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MATING, MARRIAGE,

AND THE

STATUS OF WOMAN

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MATING, MARRIAGE,

AND THE

STATUS OF WOMAN

BY

JAMES CORIN



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The final aim of all love intrigues, be they tragic or comic, is really of more importance than all other ends in human life.—SCHOPENHAUER.

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CHELTENHAM

PREFACE

THE object of the present treatise is to consider the development of the relations of the male and female of the species Man from a natural history or zoological standpoint, working on the idea that the position which man now occupies is due to his success in ordering his affairs, is due to the fact that his management of his affairs proceeded on lines different from those adopted by his nearest competitors, the anthropoid apes, whom he has so out-distanced in the struggle for existence. What these differences of method were must necessarily claim attention.

The phenomenon of relatively inferior females bound to relatively dominant males, not free as regards the disposal of their own bodies for the functions of maternity, is one that cannot have been primitive, for it is so much at variance with what obtains among other species of animals. Therefore the causes which produced it require to be traced with some care. There is an aptitude to overlook them, a readiness to regard the relationship of male and female as part of the necessary order of human affairs. The customary is too often

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accounted right because it is customary ; and this is one of the phenomena of custom—its ability to pose as right, because adaptation to environment is a necessary law of species or individual survival. Therefore custom forces acquiescence ; and it is concluded that custom is right because of the acquiescence. Whereas it is man that has created the custom, and then finds himself bound by shackles of his own forging.

The success of the male in conquering the female—the successful exploitation of the female for the indulgence of masculine lust—an exploitation called marriage, is submitted in the following pages as one of the factors of man's progress beyond his competitors. If it be a factor, then the question arises whether any reversal of this process, any alteration which will make the female less subservient to the male, would be likely to bring about a decline of the race which allowed it.

If the change could take place in all races of man at once, or nearly so, it might make no difference, for man, as a whole, is far beyond all other competitors. But now the races of man are competitors, just as once there were so many races of anthropoid apes. Out of the competitive races

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of anthropoid apes man emerged as victor ; out of the competitive races of man should arise the overman as master. Will the successful competitor be the race that allows greater freedom to its females, or the one that permits them less ? In the following pages some consideration is given to this question.

One point in regard to man's most primitive days would seem to be suggested by the enquiry now made—that the stories of Paradise, of a Golden Age, of man's innocence, and of man's fall, may have a certain basis of truth, may be the relics of very earliest human times, battered almost shapeless in their transmission during long ages. For it is conceivable that, if the period of sexual excitement lasted only a few days, man would for the rest of the year be a much quieter animal than if he was constantly troubled like Holy Wully—that if, like other animals, his feelings were quiescent nearly all the year there would be much less of strain, of stress and of strife, concerning what is one of the most frequent sources of discord. Then the remembrance of such quieter times before the days of constant disturbance caused by man's acquirement of lust, may have floated down

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through generations as tales of a golden age and so on. In that sense man's fall would be his gradual acquirement of lustfulness, his talk of nakedness would be due to his gradual consciousness of the imperative demands of sex, and his plea, "The woman tempted me, and I fell," would either be made during some period of reaction after a lustful orgy, or be uttered as the ascetic cry of a decadent nation suffering ills from the lustfulness of a virile foe. It is not, however, conceivable that the virile races of primitive man regarded sexuality as sinful or as a fall: rather, they looked upon it as meritorious and as a duty to their gods—the prevalence of phallic worship and the ardour of its votaries give evidence for that: not that, relatively speaking, phallic worship is primitive; it stands really as the ritual of the dawn of civilization.

This treatise was commenced some years ago, simply with the idea of writing a short paper to combat certain conclusions of Dr. Westermarck in his classic work on Human Marriage, and to challenge certain statements made by Dr. Andrew Lang. But, in course of time, it has outgrown these limits, and a fuller enquiry has been entered upon.

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The argument of the first five chapters has been already laid before anthropologists by the writer, and an abstract of it has been published ; while in the main the present essay is the same as that which has been read before certain societies in London interested in sociological questions. In a treatise presented to members of scientific bodies acquainted with anthropological terms, customs, and phenomena, much detail was necessarily omitted, the knowledge being taken for granted ; but for the perusal of the more general public there have been added explanations of terms, elaboration of certain arguments, and some amplification of detail, with various pieces of confirmative evidence obtained since the treatise was first prepared. The main of this added matter appears as footnotes, and it is hoped that the argument will be duly assisted by it.

Since this treatise was penned, it has been found that many of the remarks concerning woman's position have been stated better and more forcibly by an American writer, Charlotte Perkins Gilman, in her work, *Women and Economics*. She gives the woman's point of view ; but in the pages of this treatise the object is to show—

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impartially, if possible—what has been, what is, and what might be, under certain conditions, in the future ; but making no attempt to say that such could be, or should be if it could : that would be futile.

The human species is as much subject to the laws of evolution as is any other ; and in the broad course of events it is with the sexes, as with races and species, the same—the weaker goes to the wall. The efforts of statesmen, legislators, and reformers can accomplish little more than a temporary shifting of the burden. Their acts may be likened to the works of those who build out groynes into a river to stop local erosion, resulting only in increasing the erosion up stream, down stream, and on the opposite bank ; and then tempting others to build out similar groynes to protect their interests.

Perhaps, if legislators and reformers could be persuaded to cease their creative efforts for a few years, and to give their attention to removing laws from the statute book, they would accomplish more. Too readily man supposes that his fellows' actions will be askew, and their conduct be all awry, unless he straight-jacket them with laws, police, and officials. Too often man engages in the task of erecting

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restrictive legislation merely to dam a flood of crime produced by his ill-judged measures. He contracts the channel of a stream, and then wonders that it overflows its banks : instead of widening the channel, he keeps on building levees.



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CHAPTER I

FACTORS OF SUCCESS

As the Pithecanthropus walked erect, and his brain (judging from the capacity of his skull) was midway between the lowest men and the anthropoid apes, we must assume that the next great step in the advance from the Pithecanthropus to man was the further development of human speech and reason.—Haeckel: *Evolution of Man*.

I

At some date in the Tertiary Era, perhaps in the Miocene, perhaps in the Oligocene Epoch, the Anthropoid, or Catarrhine, Apes must have existed as a few, little-differentiated species, fairly equal in numbers and in geographical distribution. Yet, though at some time they started from "scratch," with about equal chances for development, one genus or stock surpassed all the rest. In the Pleiocene, *Homo* must have been well to the front; in the Pleistocene he had evidently outdistanced all competitors; and at the present day he is overwhelmingly dominant. His numbers are immense, his distribution is world-wide; while his former competitors are but few in numbers, with very restricted geographical range. To what factors does *Homo* owe his pre-eminence?

Not to any development of physical strength, for one competitor, the Gorilla, has passed him in that. He owes it to his brain. But the superior brain is not a cause: it is a result, which requires to be accounted for. At one period the brain of the *Homo* stock can have been no better than the brain of any other Ape. Its gradual improvement has to be explained.

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To ascribe such improvement to an accumulation of fortuitous variations leaves the origin of the variations unexplained. To suppose the brain an endowment from "some higher power" is not an admissible scientific theory. The improvement must be accounted for on natural grounds. The cause must be sought in the conditions of man's environment.

Population always outgrowing means of subsistence is a fundamental law of the struggle for existence. To increase in numbers implies success, and so fertility becomes the ruling instinct. How important a role it has occupied in man's development may be gathered from the fact that the maxim, "increase and multiply," has been promulgated as a divine command. But numerical increase without the ability to obtain additional subsistence is no advantage. Victory lies with those who can combine breeding-ability with feeding-ability. To obtain the necessary additional subsistence has been the factor which stimulated the brain; and victory has gone to those whose brain most successfully responded to it: they could live where their competitors starved; they could go on increasing in numbers. Man has done this, and the apes have failed. It may be

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suggested that the difference in their mode of life was the reason for success in the one case, and failure in the other.

Among monkeys a gregarious mode of life is the general rule. There are some departures from this—particularly among the higher apes—and jealousy is the cause. The Gorilla is an example. But there must have been a time, according to the principles of evolution, when all monkeys were gregarious—the ancestors of the Gorilla among them. The present state of the Gorilla is a departure from the more primitive condition; and he has failed. The ancestors of Homo must have been gregarious in their monkey stage—if not as Catarrhines, at least as Platyrrhines. But Homo is a success. Does he owe his success to having continued, not only as monkey, or as monkey-man, Pithecanthropus, but long after he became what must be recognised as man, the primitive monkey gregariousness?

For what follows from this supposition? In a social community there would be an absence of discord concerning mating.¹

¹ "The Agathyrsi . . . have promiscuous intercourse with women, to the end that they may be brethren one of another, and, being all of one family, may not entertain hatred towards each other."—Herodotus (Cary), iv, 104.

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Emulation among males at the breeding season may be allowed ; but it was not sufficient to break up the tribe into small hostile groups, as in the case of the Gorilla. In such a herd, concerted action for defence and for increasing the means of subsistence would be possible. The more it was undertaken, the more it would favour the development of speech ; the more that developed, the better the action would become. And the greater the success along these lines, the greater the possibility for increase in numbers. It is possible to understand how monkey talk developed into human speech, through the constant practice due to the necessities of a social herd : it is difficult to comprehend how such development could take place among mutually hostile groups, nor how they would be in a position successfully to increase means of subsistence when every male was an Ishmael.

It may be claimed, then, that the improvement in the human brain, the development of human speech, the world-wide success of Homo, and his capability of adapting himself to so many diverse conditions, would only be possible in a gregarious herd ; and that the anthropoid apes owe their failure to the premature

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triumph of individualism over socialism in their sexual relations.

A good idea of the sexual habits of social animals may be gained from some interesting facts given by Mr. G. E. H. Barrett-Hamilton in an article on "The Habits of the Northern Fur Seal."¹ Speaking of a "well-regulated rookery," Mr. Barrett-Hamilton says: "A certain number of strong bulls had appropriated to themselves large harems, in this case averaging over thirty-five females each; there were other bulls who had to be content with harems containing one to six females each, while there were, yet again, other bulls which were as yet unable to get among the breeding females at all, and which represented the 'idle' or 'reserve' bulls." (pp. 22, 23.) The cows are evidently free to choose which harem they will go to. If they chose, they would leave the harem to keep company with an outside bull. Sometimes the outside bulls would raid the harem—with success. "It is the cows, and not the bulls, which have the real control of the harem-system. . . . The master of the harem had no control over its occupants, but he was

¹ *Natural Science*, Vol. XV, p. 17, 1899.

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absolute lord of the ground on which they sat " (p. 25). Intrigue by another bull with a female of the harem does not excite the master "so long as it does not occur on ground which he claims as his own " (p. 32). This fact seems to have an important bearing on the origin of human jealousy, which, I contend, is not aroused by the sexual poaching *per se*, but by the feeling of injured proprietorship.

There will be evidence on this point later.

CHAPTER II

FORMS OF SEXUAL UNION

Aphrodite was in love [and mated] with Ares, the god of war, the gods Dionysus, Hermes, and Poseidon, and the mortals Anchises and Adonis.—Smith, *Classical Dictionary*.

In Western Africa the women of the reigning families might have as many lovers as they wished, but were forbidden to degrade themselves by marriage.—Lubbock, *Pre-Historic Times*.

II

THE idea that early human love affairs were conducted after the pattern of those of social animals has received a certain amount of support from several writers, who have spoken of primitive promiscuity, communal hetærisim, group-marriage, and so forth. There does not, however, seem to have been a clear idea of what it is desired to establish now, that mating was free choice on the part of the female, and that marriage was not; while terms like hetærisim and promiscuity may convey quite wrong impressions. There is also a general tendency, as will be shown later, to apply the term marriage to nearly all unions between human males and females. Westermarck, for instance, in his work on Human Marriage, defines thus :—Marriage is nothing else than a more or less durable connection between male and female, lasting beyond the mere act of propagation till after the birth of the offspring (ed. ii, p. 19).

Really, many of such unions are or were not marriage at all, but mating. There is nothing that has made greater confusion than the too liberal use of the term marriage, especially by travellers.

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That promiscuity was not a feature of the primitive human being has been urged by various writers—for instance, by Dr. Westermarck, in his above-cited work, by Dr. Andrew Lang in an article, “Tribe and Family,”¹ and by other writers whose opinions it will be necessary to consider. But it may be suggested that very much of the difference of opinion expressed by writers is due to a misuse, perhaps, of terms on their part, or to a misunderstanding, perhaps, of their terms by their readers. It is a dangerous practice to employ the terms of ordinary speech to express strictly limited scientific conceptions: it may seem more simple than to use new terms, but it is a fertile source of error. Thus to most readers promiscuity suggests the most libidinous forms of sexuality as developed in civilization; but nothing of this kind occurs with brutes, and could not have been the case with primitive man, for physiological reasons.

It is necessary, then, to be exact with terms: therefore the following suggestions are made:—

Mating is the free choice of partners at any time. *Marriage* (Gamy) is the more

¹ *Fortnightly Review*, Nov. 1903, p. 782.

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or less permanent sexual union enforced by law, might, or custom. It is not free choice : after union has been made, there is no freedom of change. *Rape* is temporary union by violence. *Communal rape* is the relationship of victorious warriors to captive women.

Though these terms be thus limited, yet they are neither sufficient nor exact enough for the purpose of scientific investigation, when precision is so important. Therefore, I propose :—

Polymixy.¹ The polyandrous polygynous relationships prevalent in European cities. This is promiscuity ; but the free-mating of social animals is not polymixy, because it is solely for procreative purposes ; and the female repels the male, even by force, as soon as the purpose is accomplished.

Cænomixy.² The temporary relationship of victorious warriors to captive women, when the female has no choice but to submit or be killed. This is polymixy with force employed, and is really communal rape. I have taken the term from Herodotus ; but with him no doubt it covers this union, polymixy, and the ordinary free-mating.

1 πολὺς μῖξις.

2 κοινὸς μῖξις.

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Autonomixy.¹ The procreative relationship when the female is absolutely free to reject or accept (free-mating). She often continues the association only so long as fecundation requires—like the cat.

In *Autonomixy* there are two phases, one *polautonomixy*, where partners may be changed during the breeding season: this, perhaps, obtains mostly with social animals—for instance, rabbits, seals, deer, and, perhaps, sparrows; the other, *monautonomixy*, where only one partnership is formed. Here, again, must be distinguished *temporary monautonomixy*, where the partnership exists for one breeding season, and *permanent monautonomixy*, where the partnership is for life. This is the relationship said to obtain among Wanderoo monkeys and among many birds.² It is the ideal relationship from an ethical standpoint, the one of which lovers have visions, and mankind, in justice, should desire to realize; but, owing to the physiological changes which have been effected, both in man and woman, by the institution of marriage, such a relationship is hardly possible now. The case of George

¹ Contracted for euphony from *αὐτὸς νόμος μῆξις*.

² "Pigeons pair for life." Darwin, *Descent of Man*," chap. viii, Note 9.

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Eliot and Lewes is, perhaps, almost an instance of its realization. Many marriages would realize it, but that, being marriages, there is in them the constraining force of a contract.

It will be obvious from what has been said that the term mate, as now used, indicates a female free to choose; but the term wife, one bound to or compelled to belong to a certain male. If the Gorilla keeps his females to himself by the law of might, then they are his wives, and his relationship to them is marriage (Gamy). "Yet," says Mr. Lang, "it is manifest that 'public opinion' or 'law' cannot come into play among ape-like animals." Why manifest? when, even among birds, as in a rookery, both come into play decidedly. They have their laws and they evidently punish breaches of them. If the female rooks are free to choose and change partners, then is the union of rooks *autonomixy*; if they are free to change, and yet in practice keep the same partners year after year, it is permanent *monautonomixy*; if they are compelled by public opinion to keep their partners, having once chosen them, then their relationship is marriage.

My argument in regard to primitive man,

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or, perhaps, to *Pithecanthropus*, is that his relationship to his females was polautonomixy; and that it was only in this state that matriarchy, or metrocracy, or gynocracy, of which so many relics are found in human institutions, could have been possible. I argue that man differed from the Gorilla and owes his success greatly to the fact of retaining his free-mating. And when, later, he developed marriage, yet still the polautonomixy instinct was strong enough to prevent him becoming unsocial in sexual affairs. And that is the important point.

However, Mr. Lang says, in effect, that free-mating could not have been the primitive human institution. One of his objections is extraordinary. "If contemporary mothers suckled, at random, contemporary brats, all the babies would be 'changed at nurse,' and even motherhood would be unrecognisable" (p. 783). The basis for such a statement seems to be that he has known "a female cat suckle a puppy in company with her kittens" (p. 789). How many kittens had the cat lost? it may be asked. Was she not over-fed, and perhaps suffering from superfluity of milk? Mr. Barrett-Hamilton, in the article quoted

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above, says of the seals : “ If a pup ventures to approach a strange female, in mistake for its mother, it is at once seized, savagely shaken, and thrown away—even killed—much as a terrier treats a rat ” (p. 34). Mr. Lang might study sheep. Mix the ewes and lambs as one will, and they sort themselves. The lamb does not always know its mother, but the ewe knows her lamb—by smell. If the wrong lamb comes to her, she savagely butts it away. The unwillingness of a ewe to suckle a strange lamb is the great trouble of shepherds. When a mother has lost her lamb, and the shepherd wishes to make her adopt another, to save her from trouble with milk-congestion, and to relieve another ewe burdened with twins, he has very great difficulty. Often he has to resort to the practice of skinning the dead lamb and wrapping its skin round the one to be adopted. Even then he may be unable to deceive the mother—perhaps he would not do so in any case, did not milk-pains compel her.¹

The idea that in a free-mating herd

¹ At this not unusual country practice I have assisted shepherds in my young days. The practice is described by Thomas Hardy in *Far from the Madding Crowd*, p. 139, chap. xviii.

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there would be promiscuous suckling, or any difficulty about knowing the maternity of the young, cannot be held.

Mr. Lang supposes that the free-mating theory involves the idea that as men "became human they became less like gorillas, and more like gregarious baboons" (p. 783). As a matter of fact, his own theory involves that supposition, and more. He starts with man, jealous as a Gorilla, and then has to account for him indulging in communal rape or in polymixy. From both these practices jealousy must be absent; but there is, besides, a lustfulness which is not shown by brutes. Mr. Lang, I fear, in common with most people, judges brutes by the human standard, which supposes that a herd of brutes act sexually as would a horde of profligate men and women. This is a libel on the brutes: constant sexual vehemence seems to be essentially a human development, though, strangely enough, it appears to be another of the factors which has made for human success.

As against Mr. Lang, I argue that man has come right on from the baboon stage, retaining the gregariousness, but developing with it a lustfulness, at the expense of woman. One outcome of such combination

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has been cœnomixy; while polymixy is due to the continuance of the old gregarious instinct.

I urge that the Gorilla stage of jealous polygyny is a specialised development, which has only been attained by man in some extreme cases, late in his career, when masculine dominance has become marked—for instance, among Arabs: they have developed jealousy greatly, and they would not tolerate what, among Europeans, causes no jealousy.¹ But this jealousy may have been a disintegrating factor with them, and have made their effective combination difficult. And, as a consequence, it may be noted again that the more jealous race has fallen behind the less jealous in the struggle for supremacy.

I would now turn to Dr. Westermarck, because, in answering him, one may also reply to Dr. Lang. That author says: "If jealousy can be proved to be universally prevalent in the human race at the present day, it is impossible to believe that there ever was a time when man was devoid of that powerful feeling."² Against this argument may be urged:—

¹ See, for instance, Lane, *Manners, Modern Egyptians*, 1895 ed., p. 312, chap. xiii.

² *History of Human Marriage*, ed. ii, p. 117.

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(1) That what is a character now need not have been a character of ancestors. Could one say, if it could be proved that a black skin is universally prevalent among negroes at the present day, that it was impossible to believe that there was a time when they were devoid of that remarkable character? Certainly not. "In regard to colour, the new-born negro child is reddish nut-brown, which soon becomes slaty-grey, the black colour being fully developed within a year in the Soudan, but not until three years in Egypt."¹ Therefore, by the law of tachygenesis the adult ancestors of the negro were once reddish nut-brown—not black at all.

(2) That universal jealousy has not been proved. Westermarck himself cites numerous instances where jealousy obviously plays no part—the free-mating festivals where great license prevails.

(3) That if it were proved it would be of no value. It would only show that in man there has been an all-round advance from socialism to individualism.

(4) That the feeling called jealousy is not truly sexual: it is anger aroused by

¹ Darwin, *Descent of Man*, 1888, chap. xix, 557.

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violation of proprietary rights. "There is overwhelming evidence," as I am reminded by Mr. Hartland, "that the savage, who has a plurality of wives, knows no jealousy, if he be only consulted beforehand, and his consent obtained, or if the conduct, of which a European husband would complain, be such as is sanctioned by tribal custom."¹ And one might add that plurality of wives is not a necessary factor.

If jealousy be anger because a woman favours other men, and if a man be so jealous as Westermarck would have us believe, how is it that he is so ready to share women with his fellows? But such is the case. Man has been, and is now,

¹ *In litt.* Other authorities express the same view. "Amongst the Australian natives . . . the feeling of sexual jealousy is not developed to anything like the extent to which it would appear to be in other savage tribes. For a man to have unlawful intercourse with any woman arouses a feeling which is due not so much to jealousy as to the fact that the delinquent has infringed a tribal custom."—Spencer and Gillen, *Native Tribes of Central Australia*, 1899, p. 99.

Among people ordinarily so jealous as Turks and Arabs, the existence of the Mustahall ceremony is evidence that custom is stronger than jealousy with civilized people.—See Lane, *Manners, Modern Egyptians*, 1895 ed., p. 191, chap. vi.

communal and social in these matters, where he can claim no proprietorship. The freedom among many nations in regard to sexual partnerships,¹ the custom of polyandrous marriage, the Saturnalia, the worship of Astaroth, Priapus, etc., the treatment of women by victorious warriors, the episode of the men of Benjamin and the concubine,² modern police-court cases of combination for rape, the amours of the Empress Theodora before she came to the throne, and of many another lady when on the throne, the comedies of Terence, the stories of Balzac, the sexuality of the England of the Stuarts, or of modern Russia, as depicted by E. B. Lanin,³ and the present polymixy of European cities—all testify to man's instinct for communism in sexual affairs.

¹ The women of the Gindanes "wear leathern bands round their ankles; each one has many—for the following reason, it is said: she binds a band around for each man that embraces her; and she who has the most is the most esteemed, as being loved by the greatest number of men." (Herodotus, iv, 176.) Similarly, the wife of the Afrite, when she had entertained the two brother monarchs, asks them for their seal-rings, to add to her collection of similar tokens, which had previously numbered ninety-eight (*Arabian Nights*—Introduction).

² *Judges*, xx, 25.

³ *Fortnightly Review*, Sept., 1890, 381, et seq.

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Modern English folk-tales, folk-sayings, and folk-practice, also bear witness to a very communal spirit, even where man might be supposed to claim proprietorship. A Gloucestershire saying about adultery is : “ A shive from a cut loaf is never missed ;”¹ and a Cotteswold labourer when told that his wife was in company with a man, remarked complacently : “ He’s welcome to a sup of the peg’s vittles (pig’s food) so long as he leaves I the trow (pig’s trough).”²

¹ This country proverb was familiar to Shakespeare. In *Titus Andronicus*, II, i, 87, he reproduces it with the cryptic meaning which it has for the modern peasant :—

“ She is a woman, therefore may be wooed ;
She is a woman, therefore may be won ;
She is Lavinia, therefore may be loved.
What, man ! more water glideth by the mill
Than wots the miller of ; and easy it is
Of a cut loaf to steal a shive, we know :
Though Bassianus be the Emperor’s brother,
Better than he have worn Vulcan’s badge.”

So in Cheshire, “ Go fiddle for shives Amongst old wives ” is a proverb.—R. Holland, *Ches. Gloss.* (Eng. Dial. Soc., 1886), p. 448.

² This man would merit the praise that Chaucer bestows on the Somnour :

“ A bettre felawe sholde men noght finde.
He wolde suffre, for a quart of wyn,

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This attitude, a willingness to share, is what the Marquis of Steyne expected of Colonel Rawdon Crawley—"he judged . . . by his experience of other husbands."

A theory which imagines that man, with such social instincts as these, is separated from the social monkey by a stage of jealous, unsocial anthropoid, places an incongruous stage between two similar stages. In evolution that is only warranted by the very strongest evidence. To imagine that, while man has departed further from the primitive type in all other respects, he has lapsed to the primitive condition of social sexuality, after having attained so wide a departure as the jealous, unsocial gorilla, is extremely difficult.

Before closing this chapter, it may not be without interest briefly to consider the phenomenon of the combination of males, both against a too monopolizing fellow and

A good felawe to have his concubyn

A twelf-month, and excuse him atte fulle."

Canterbury Tales, Prologue, sub Somnour.

Perhaps the best instance of human willingness to share in sexual affairs is furnished by priests, bound by a vow of celibacy, a vow which only deprived the devotee of marriage, but did not preclude him from mating (see p. 39).

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for sexual sharing. It presents itself in various forms.

In its primitive guise it is found among social brutes, and is frankly sexual.

Darwin relates the case of the wild bulls of Chillingham Park: "It was observed that two of the younger bulls attacked in concert the old leader of the herd, overthrew and disabled him"—temporarily, as it happened. The same author records about the horses of the Falkland Islands:—"A young English stallion frequented the hills near Port William, with eight mares. On these hills there were two wild stallions, each with a small troop of mares, and it is certain that these stallions would never have approached each other without fighting. Both had tried singly to fight the English horse and drive away his mares, but had failed. One day they came in *together*, and attacked him. This was seen by the capitan who had charge of the horses, and who . . . found one of the two stallions engaged with the English horse, whilst the other was driving away the mares, and had already separated four from the rest. The capitan settled the matter by driving the whole party into the corral, for the wild stallions would not leave the mares."¹

¹ *Descent of Man*, chap. xvii, near beginning.

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The similar willingness of human males to combine to attack another male, owner of a female for whom they were rivals, and then to share the female, is very strikingly illustrated by Shakespeare in *Titus Andronicus*, II, i.

Demetrius and Chiron enter, ready to run each other through the body in their rivalry for the lady. But in a few minutes when friend Aaron suggests :—

“ Would it offend you, then,
That both should speed ? ”

Chiron answers :

“ Faith, not me ; ”

and Demetrius :

“ Nor me, so I were one.”

And Aaron says :

“ For shame, be friends, and join for
that you jar.”

The transition from fierce anger to friendly agreement seems almost too abrupt ; but the agreement holds, and soon afterwards is translated into action, successful from their point of view : they kill the male and force the female.

In the *History of Susanna* a like compact is made by the two elders in order that they may both achieve the conquest of Susanna, the wife of Joacim. Their plot, however, fails.

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This instinct for combination on the part of males against a too-appropriative fellow is also found among human beings in an atrophied condition : the males do not require the females for themselves—only the desire to do the too-successful male an injury survives. This is seen in the appeal for the suppression of the Abode of Love, in order “to purify the social life of the nation. . . . If the strict letter of the law does not apply . . . it must be strained Piggott must go to gaol. In the name of England, that is our demand.”¹ The success of the Mormons excited similar protests ; while the envy and combativeness of the antagonistic males is particularly aroused by any arrogant parade of the appropriator’s success, and certainly by the thought of his pleasure.²

Another development of this primitive sexual instinct is seen in the plots and deeds of Anarchists to remove the head of a State : it is but the human phase, somewhat atrophied, of the wild bull incident at Chilling-

¹ *John Bull*, Nov. 6th, 1909, 636.

² Monks, in preaching chastity to wives, were actuated not so much by zeal for religion as by their jealousy of the pleasures of the lover, according to the pilgrim in “Boccaccio,” Day III, Novel vii.

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ham, impelled by motives the same as those of the *John Bull* action against Piggott—envy of the male's success.

Even further may the same instinct be traced in the combination which forms co-operative societies : a combination to take from a successful individual trader part of what he would be gaining, to put it to their own advantage : it is the struggle of socialism against the acquisitive individual.

In a similar manner, the combination of the supporters of the 1909 Budget against the Peers is a combination to take from the latter some of what they claim as their own. And the passions of the people are inflamed against the Peers by stories of the sexuality of the upper ten—the appeal to envy of sexual success ; while the fact that certain of the ancestresses of the Peers chose to be free-mates of monarchs rather than wives of males of their own caste is urged as something very discrediting to them and to their descendants. The appeal here is to the masculine jealousy and fear of the power of the independent female ; it is called, however, an appeal to man's sense of morality.

So, too, the Puritan outbreak in England

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and the French Revolution may both be regarded as really manifestations of the same natural history phenomenon—the tendency among social animals for the unsuccessful males to combine in attacking, despoiling, and, if necessary, killing their too-successful, too-monopolizing fellows as a means to redress their own grievances.

One may suggest that the custom of sacrificing a deity, potentate, or prominent male, in times of adversity—of making a vicarious sacrifice for the good of the community—is a similar development nearly on the same lines, from a primitive instinct like that of the Chillingham bulls.

CHAPTER III

PRE-NUPTIAL CUSTOMS AND
TABOO

Among a large number of peoples, a husband . . . demands that the woman whom he marries shall be a virgin.—Westermarck, *Human Marriage*.

He [the priest] shall take a virgin of his own people to wife.—*Leviticus*, xxi, 14.

If any man take a wife . . . and say . . . I found her not a maid . . . if this thing be true . . . the men of her city shall stone her with stones that she die.—*Deuteronomy*, xxii, 13—21.

A Parliament of Henry VIII passed an Act 'to oblige any woman, before she should espouse a King, to *declare whether she was a virgin or not*.'—Walpole, *Royal and Noble Authors*, ed. 1792, I, 102.

III

ANOTHER argument used by Westermarck is that the widespread enforcement of pre-nuptial chastity is due to the innate jealousy of man. Yet cases of religious chastity, such as those of temple priestesses, he ascribes to another cause,—a notion of the impurity of the sexual act. Thus for two aspects of the same phenomenon he is compelled to give two different explanations. Such a course may sometimes be justifiable; because undoubtedly in certain cases two different customs, distinct in their origin, do coalesce and so give rise to apparently similar phenomena. It is, however, often possible to analyse the phenomena so as to show which are ascribable to the one origin and which to the other. And certainly a double explanation of similar phenomena is only to be used with great caution.

It may be suggested that all cases of pre-nuptial chastity are due to the same cause—that it is a taboo custom; that unchastity has become taboo. So that instead of Westermarck's numerous instances of enforced chastity being against the free-mating hypothesis, they are the strongest arguments in its favour. Prohibition against

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a custom is evidence of the former existence of that custom.

The principle of taboo has been well worked out by the late Professor Robertson Smith¹ in regard to the evolution of sacrificial ritual. He shows how the blood, once the essential part of the sacrifice to be consumed by the worshippers, gradually became taboo to them, being reserved exclusively for the deity. This principle, that what was once in common use gradually became restricted, until it falls into disuse and is under a ban, meets us in many cases—in prohibitions against eating certain animals, against entering certain places, against using certain things. And we may see the process even now at work. A newspaper, reporting a trial in the year 1903, would not print certain portions because a sacred name occurred in them—that is the name was too sacred for everyday use, it was taboo except on religious occasions.

With regard to temple priestesses, chastity was certainly not the feature of early temple worship. That was very sexual. The people worshipped the Power of Fertility. In obedience to an instinct due to natural selection and the struggle for

¹ *Religion of the Semites*, 1889.

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existence, they desired that that power might dwell in them. Ignorant of physiology, they thought that any phenomenon which they could not understand must be due to some endowment by "a higher power." They supposed that by their worship they could constrain that power to grant them their desires. At such times all the people were temporarily devoted to the service of the deity. Later, to ensure continuous divine blessings, a constant devotion to the deity was practised, but necessarily by a portion only of the people—a priestly caste arose. But such persons, devoted to the service of the deity, were considered so to belong to the deity, that they were not to be touched by the laity. They were taboo; their chastity was enforced as a virtue. "The chaste woman is most excellent, she is the bride of the deity" is the sentiment expressed in many religions. But though she was taboo to human beings, it did not mean that she was *virgo intacta* as regards the deity—the Egyptians certainly did not think so.¹

The taboo on pre-nuptial intercourse among the laity may be considered as having

¹ Herodotus, I, 181, 182. See also Burton, *Anat. Melancholy*, III, ii, 1, 1.

followed similar lines of development. A feature of early marriage ceremonies was that the bride had to undergo a rite of cœnomixy before she was handed over to her husband. This rite was evidently a war right, or what may be regarded as the relic of the war right, as practised among the Kurnai of Australia.¹

In the Nasamonian rite described by Herodotus² where each of the wedding guests first visits the bride in turn, bringing with him a present out of his house, there is evidently a modification favourable to the woman, or to the woman and her husband. The custom was, quite probably, considered to be necessary to the success of the marriage, but a recompense is given. It is interesting as affording an origin for the practice of giving wedding presents.

That the rite was considered necessary for the success of the marriage seems to be clear from other cases. Among the tribes of Central Australia described by Spencer and Gillen³ the breaking of pre-nuptial chastity is an elaborate ritual ceremony, performed by certain men of the tribe in a definitely

¹ E. S. Hartland, *Legend of Perseus*, II, 358.

² iv, 172.

³ *Tribes of Central Australia*, 1899.

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settled order, beginning with the maternal grandfather, who is followed by maternal cousins, by elder and younger tribal brothers not brothers in blood, and then by those men who are husbands *in posse*. The details vary in different tribes ; but there is a general agreement on the whole.

Here the ceremony is evidently not a primitive one ; it is a highly developed and complicated ritual ; and it seems as if it has been evolved by the coalescence of even more than two customs. First there is the custom, congruous with that of religious sexuality, that the deity is the first person to have intercourse with the maiden ; thus among certain savages the first menstruation is regarded as the result of divine intercourse.¹ Now as the deity and the begetter of young, or the deity and the ancestor, are regarded as one and the same person—a conclusion which the current religious speech of most civilized nations expresses,—the grandfather may be regarded as acting either as deity or as the representative of a deity : at any rate he exercises his office as being the actual progenitor and ancestor, which is the same idea. Then the

¹ W. H. Goldie, *Maori Medical Lore* ; Trans. New Zealand Institute, XXXVII (1904), 89.

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next custom appears to be a perverted relic of the old free mating days—the acts of the cousins and tribal brothers who could not be lawful husbands ; while the last custom is the exercise of the war right (cœnomixy)—the acts of those men who could be lawful husbands.

Even in a community so civilized as that of ancient Rome the idea of the necessity for ritual defloration by a god survived. This concluding rite of the marriage ceremony was performed by the bride herself with a statue of the god Priapus ; and there can be little doubt that the underlying motive was to bring the blessing of fecundity or to remove any possible curse of sterility. Even if the origin of the rite was the defloration by conquerors of the captive females as a preliminary to individual marriage, the fact of preliminary defloration would remain long after the reason for it had been forgotten.

It is the same superstition about good fortune or averting evil which prompts the Esquimaux to bring his bride to the priest for ritual defloration before he trusts himself to her embrace ; since the priest, as can readily be understood, stands as the representative of the deity.

The same phenomenon occurs *in jure*

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primæ noctis or *droit du seigneur*, which gave to the priest or lord of the Middle Ages the right to the first favours of the bride, or, later, to a monetary compensation instead. But the origin of the right was not in might nor in lust: it was simply that the local great man once stood as *deus* or *in loco dei*, whatever he did later.¹ The identity of ruler and deity as well as of ruler and father is seen in the case of the Incas of Peru, and the Emperor of Japan, or in the case of the Tsar of Russia addressed as Little Father; while the royal prerogatives of the Incas in

¹ There was not necessarily any compulsion. At least, Burton quotes Nevisanus as saying of wives of the Middle Ages: "They persuade themselves that it is neither sin nor shame to lie with a lord or parish priest."—*Anat. Melancholy*, III, iii, 1, 2. Chaucer's Host states with almost scientific precision a theory of sexual selection and inheritance: the result, he says, is the factor which

"Maketh that our wyves wol assaye

Religious folk, for ye may better paye

Of Venus payements than mowe we."

"The Duke of Norfolk, meeting . . . one of his chaplains, . . . said to him, 'Now, Sir, what think you of the law to hinder priests from having wives?' 'Yes, my lord,' replies the chaplain, 'You have done that; but I will answer for it you cannot hinder men's wives from having priests.'"

—Hume, *Hist. England*, 1812 ed., V, p. 278, Note O.

See also the note to p. 65.

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sexual affairs find reflection in the actions of European potentates : ¹ a strongly inherited instinct based originally on human physiological needs is not immediately changeable.

It is not difficult then to see how pre-nuptial chastity was the outcome of taboo. The unmarried virgins were the property of the deity, or his representative. They were therefore so sacred that they were taboo to the laity until the deity had himself imparted his blessings to them. But this was a gradual process—this taboo to the laity. Just as the Puritans freely used the word “god” in

¹ “Then, since I am a married man, I am to blame?” said the Duke [of Orleans]. “Ah! my dear master, you are a prince, and can do as you please.”—Balzac, *Droll Stories, The False Courtesan*.

His Majesty King James V of Scotland not only exercised his prerogative, but celebrated his adventures in poetry, and one ballad, says the modest editor of the *Percy Reliques*, is “too licentious to be admitted” into his collection.

So among the smaller potentates of the countryside: “Old ‘Squire Lumpkin . . . for winding the straight horn, or beating a thicket for a hare, or a wench, never had his fellow . . . he kept the best horses, dogs, and girls in the whole county.”—Goldsmith, *She Stoops to Conquer*, Act I. There are still ‘Squire Lumpkins about.

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every day conversation, and thought themselves the more righteous for it ; while now the word is so taboo for everyday use that an author (Kipling) is taken to task by a reviewer for his frequent utterance of it, so the female votaries of the African deity Legba, or the priestesses of the temple of Corinth, exhibited their enthusiasm for the service of the deity, by their constant entertainment of the worshippers, and the more their ability the more righteous was their conduct accounted ; while the vestal virgin of Rome, or the priestess of the Sun in Peru was so taken to task for such an action that she was punished with death. The phenomenon of frequent use induced by excess of reverence gradually passing to disuse by the action of the same feeling, a phenomenon which we can almost see at work among ourselves with regard to the word " god," is the phenomenon of taboo—and the whole process so acts as to cause the same conduct to be judged at the one time as highly laudable and moral and at another time as most culpable and immoral. On the part of a priestess of Corinth sexuality was moral and abstinence immoral : on the part of a vestal virgin abstinence was moral and sexuality was immoral ; in either case

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divine approval would be supposed to bless the moral action.

We have imported the word taboo mostly in the sense of prohibition; but the phenomenon of taboo is more than that: it is the same as with us is the change from "in the fashion" to "out of the fashion"—what is fashionable becomes unfashionable because of its very popularity; and the whole change is involved in the phenomenon of taboo.¹

A theory that pre-nuptial chastity is only a practice evolved by the working of the law of taboo brings into line so many diverse facts. It accounts for pre-nuptial unchastity as well as for chastity, for ritual defloration, for *jus primæ noctis* or *droit du seigneur*, for religious sexuality or religious abstinence, even for the actions of the priests of Cybele. It shews that the phenomena of sexuality and of abstinence are but phases of development congruous with other ritual modifications, both being enforced through an ignorance of physiology, on the idea that they are necessary for tribal or individual welfare, now or in the future.

¹ "This air we breathe is so common we care not for it; nothing pleaseth but what is dear."
—Burton, *Anat. Mel.* I, ii 2, 2.

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These phenomena are not due to lust or to lack of lust directly : the ritual of indulgence or of abstinence is adopted from utilitarian motives, on a profit or loss basis ; though an economic crisis would favour the abstinence supporters, making the people more ready to listen to their arguments, because then a person is more concerned with preserving his own life than with preserving the life of the race. But the indulgence or the abstinence is really utilitarian. There is a remarkable argument between Jeremiah and the Israelites on the relative merits of the somewhat abstemious Jahveh worship which he advocates, and the highly sexual Astaroth ritual which the people favour. Both sides base their arguments on which gives the best return : in harvest, in freedom from famine and disease, freedom from enemies and escape from wrath of deities.¹

Another point in Westermarck's criticism of the hypothesis of promiscuity may now be noted. It is (he quotes Sir Henry Maine) "that promiscuous intercourse between the sexes tends to a pathological condition very unfavourable to fecundity." (p. 115). There is the old misconception here, due to the term

¹ Jeremiah, Ch. xlv.

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“promiscuous intercourse,” founded on ideas of the habits of man who has developed, by indulgence, excessive sexuality, instead of, as it ought to be, on the habits of social animals—the seals, for instance, with whom sexuality is merely fecundative: their free-mating habits do not produce pathological conditions and infertility. To avoid ambiguity, I use the term free-mating (autonomixy) instead of promiscuity. The latter term implies a constant change of partnership and a lustfulness, which, on the analogy of the mating habits of other animals, there is no need to ascribe to primitive man. For among brutes the female accepts the attention of the male only at certain times when instinct prompts.¹ As soon as the purpose

¹ That female brutes refuse to mate except at a particular period is a fact known to all breeders and farmers, and it regulates their business. But, that a female brute will refuse to mate even then unless the male be acceptable is rare, yet not unknown: it is even more important for the present argument for primitive continency. Darwin says: “A female terrier loved a retriever, and would never acknowledge the courtship of any other dog, even when permanently separated from him.—A female generally favours a dog whom she has associated with and knows; her shyness and timidity at first incline her against a strange dog.—A mare in Mr. Wright’s stable rejected a horse.—

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of nature is fulfilled, she savagely resents any further attention.¹ There is a physiological reason for this which would be especially strong in a struggling community: they have no margin for lustfulness; the consequent sexual unsucccess would spell extinction. Lustfulness can only be indulged safely by a species which, through developing some other character, has outdistanced its competitors; then it can afford to sacrifice females and offspring in the gratification of A clergyman who has bred many pigs asserts that sows often reject one boar and immediately accept another."—See *Descent of Man*, ch. xvii, near the end.

¹ Cf. G. E. F. Barrett-Hamilton, *op. cit.*, p. 32. The same phenomenon may be noted in the case of the cat, and in other more domesticated animals. The female resents, because intercourse after conception would produce abortion. It does with some human females; but with the majority the institution of marriage has forced a selection of those who could submit without ill effect.

A proposal put forward lately—I forget where—to deal with the rabbit plague of Australia, suggested a killing of does, but a sparing of bucks, on the ground that in such a polyandrous community the bucks would worry the does to death. If there were that effect, some does would survive; and the race of rabbits would be reproduced from those who could withstand. This proposal forgets the law of adaptation.

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its lust. That the brutes cannot do : how man has been able to accomplish it will be noted later.

Thus would I take exception to the arguments of the supporters of the Gorilla theory, owning, however, that many of the ideas of the communal-herd upholders are quite as untenable, so that Mr. Lang's criticism of them is justified. But, while he is quick to perceive the demerits of their theories, it is strange that he does not see the difficulties of his own. Thus one great difficulty in Mr. Lang's "Gorilla conjecture" is this : if early Homo was, like the male gorilla, so "anti-social" as to drive away even the young males, how was it that those males could agree together. Like father, like son, we may be certain, and the young males, driven away, would grow up to be as jealous and antisocial as the old male that expelled them. Then they would separate. The possibility of tribe formation is gone. The hypothesis is unthinkable. Out of an anti-social element once properly developed, it is impossible to imagine a social group being formed.

To account for human social institutions it is necessary to consider that they have existed continuously from monkey times,

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and that this socialism was possible because of the slight degree to which jealousy developed. For it is reasonable to say that the social disruption in the Gorilla is due to the development of jealousy, and therefore that any similar development in man, while on a level with the gorilla, would have produced the same result.

A young man at Seattle had been intimate with two sisters; their brother shot him dead. He was tried, pleaded the unwritten law, and was acquitted. When he was about to take train for home, the elder of the two sisters shot him dead for robbing her of her lover. Such is the kind of social disruption, of intra-tribal strife, which would have arisen from a rigid application of the gorilla-like law of jealousy. If practised by an early struggling human community, it would have produced so many warring units, incapable of that cohesion necessary for success. They must have remained about at the Gorilla level.

It might perhaps be argued that the "unwritten law" is unwritten because it is comparatively a late development in human affairs—a development due to the progress towards individual possession, which made possible the enforcement of the taboo on pre-nuptial intercourse.

CHAPTER IV

THE ORIGIN OF MARRIAGE

Among the Maories the ancient and most general way of obtaining a wife was for the man to get together a party of his friends and carry off the woman by force.—Westermarck, ed. ii, 385.

When thou goest forth to war against thine enemies, and Jahveh Elohim hath delivered them into thine hands, and thou has taken them captive, and seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife ; then thou shalt bring her home to thine house ; and she shall shave her head, and pare her nails ; and she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month : and after that thou shalt go in unto her, and be her husband, and she shall be thy wife.—*Deuteronomy*, xxi.

In Uganda the ordinary price of a wife is either three or four bullocks, six sewing needles, or a small box of percussion caps ; but Mr. Wilson was often offered one in exchange for a coat or a pair of shoes.—Westermarck, *Human Marriage*, ed. ii, 393.

Holy Matrimony, which is an honourable estate, instituted of God in the time of man's innocency was ordained for the procreation of children ; for a remedy against sin, and to avoid fornication ; for the mutual society, help, and comfort that the one ought to have of the other.—*English Prayer-Book : The Form of Solemnization of Matrimony*.

IV

TAKING female continency, the continuity of socialism, and the slight degree of jealousy, as bases to start upon, it seems possible to make the following suggestions as to the origin of human marriage.

To understand its origin it is necessary to distinguish between marriage and mating. When the human female mate was free to please herself, she, like the brutes, would instinctively mate only at one season of the year, and no more than fecundation required. But there is no such instinct to restrain the male, either brute or human; and in one respect a human male differs greatly from a brute—it is possible for him to rape a senseless captive: such a proceeding is a physical impossibility to quadrupeds. Therefore the males, unable to satisfy their lust with the women of their own tribe, banded themselves together, and raided a weaker tribe. Having killed the males, the victorious warriors could gratify their lust on the female captives—for them there was only the choice of death or submission. These captives the warriors took home, and

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made them their slaves—their wives.¹ For, though they were nominally the property of the tribe, yet they were, necessarily, distributed among the males for safe custody, if for no other reason. In time such females as a man had in charge would be regarded as his property, as slaves to minister to his wants ; and trespass against such property would be an insult to the property-holder. But, for a long time members of the tribe had peculiar privileges in this respect, which were denied to a stranger.

Under such conditions, to be a free female of the tribe, a free mate, was a merit ;

¹ “The Southern Californians, who are always at war, spare no male prisoners, and sell the females or retain them as slaves. At Cape Clear ‘rape exists among them in an authorised form, and it is the custom for a party of young men to surprise and ravish a young girl who becomes the wife of one of them.’ ”—McLennan, *Studies in Ancient History*, ser. 2, 1896, 365, quoting Sproat in Bancroft.

Among the Canaanites a man was expected by his female relations to show his valour by bringing home captive women. “The mother of Sisera looked out at a window, and cried through the lattice, Why is his chariot so long in coming ? . . . Have they not sped ? Have they not divided the prey : to every man a damsel or two ? ” —*Judges*, v, 28, 30.

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to be a wife was to be a slave. Marriage was a degradation, as it is with some African princesses. A man could not suggest to a woman of his own tribe that she should become his wife, a slave. He could mate with her; and that took place at the festivals—the Saturnalia. But, at such festivals, the true human breeding period, there was mating license for all—slaves as well as free—a relic of that primitive Simian socialism for which I argue.

To obtain a wife, a man would have to capture a female from another tribe. Here is a simple reason for exogamy,¹ and for the prohibition against a man marrying one of his own totem.

Between the children of the free women and those of the slave-females there would be a distinction,² such as there was in Rome

¹ Exogamy “is the law prohibiting marriage between persons of the same blood or stock as incest—often under pain of death—and [endogamy] the law prohibiting marriage except between persons of the same blood or stock.”—McLennan, *Studies in Ancient History*, ser. 2, p. 46, 1896. I would rather say that the terms denote not the laws, but the marriages themselves—that exogamy is marriage out of the tribe, and endogamy marriage within.

² “The son of the bond-woman shall not be heir with the son of the free-woman.”—*Galatians*, v, 30.

between the children which a man had by a woman who was, or by one who was not the daughter of a Roman citizen.¹ The children of the slave-woman would be distinguished by their mothers' totem. Here is an explanation of different totem clans within a tribe: there would be as many clans as there were tribes which had been raided.

¹ At first the distinction would be in favour of the children of the mates, a relic of which may be found in this:—"Among the Wanyameuzi, property descends not to the legitimate, but to the illegitimate children."—Lubbock, *Pre-historic Times*, ed. 4, p. 574, 1878; that is, it descends to the children of the mates, not to those of the wives. Later, the distinction would be in favour of the latter. The words legitimate and illegitimate here are hardly warranted: they shew the bias which marriage produces. In fact, the one set of children were as legitimate as the other, and since the law or custom recognised the superior right of the children of mates to the property, they were evidently the more legitimate offspring.

The intermediate stage—the one between this and the custom of the present—is found in the gavelkind tenure in Kent, whereby sons born in and out of wedlock succeed equally to a father's landed property.—See Halliwell, *Dict.*

Congruous is this: In China and Japan the children of a concubine have the same legal rights as the children of a wife.—Westermarck, *Marriage*, ch. xx, p. 431, ed. ii, 1894.

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Of the origin of totem names I have a theory, congruous with the one here enunciated, but I can say nothing now, the subject is too large. Only to suppose, as Dr. Lang does, that totem names are synonymous with nicknames, and that nicknames suggested animal relationship, will not work. The totem has a far deeper meaning than that, and had too important an influence on human affairs to have had its origin in nicknames: it was a product of physiological ignorance—an ignorance that seems hardly credible.

The children of the slave-wives, distinguished by their mothers' totem-name, would be eligible for marriage (slavery). Their owner, the man who had their mother *in manu*, might be induced for a consideration to connive at their being captured by any of the young warriors, or by men from another tribe in time of peace. This would be an explanation of marriage by purchase, with simulated capture. For capture gives place to purchase at any time when a tribe or nation finds that circumstances render it cheaper to purchase than to steal, whether the commodity be women or territory. But, as a newly-captured woman was the property of the tribe, over whom the tribe exercised

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certain rights before handing her to a particular person, these rights must be enforced as a marriage preliminary. The rite of cœnomixy would take place. In time, the war-right origin of the ceremony would be lost sight of, and it would remain as part of the necessary ritual of a marriage, as a custom supposed to be necessary, sanctioned by some divine or superhuman power. Thus it would undergo modifications such as have been noticed a few pages back. But what is interesting to observe is that relics of the cœnomixy custom are to be found among the most civilized communities to-day—such as a ceremony of public kissing accompanied by a giving of coin, curiously like the Nasamonian rite, or the custom of the first kiss taken by the best man at a wedding. Details may be found in Mr. Hartland's *Legend of Perseus*—to that work and its author I desire to express my great obligations. But the point is that these platonic ceremonies are, like vestiges in zoological evolution, good evidence of a once perfect form. Consequently, they testify to a custom formerly widespread, congruous with the cœnomixy rite ; and to explain a custom so widespread, and yet so at variance with what would be expected of a jealous,

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unsocial, gorilla-like animal, will task the ingenuity of the supporters of the gorilla hypothesis.

Yet another series of practices may be considered—difficult to account for if man's jealousy was like that of the Gorilla, but easy to understand if it be allowed that his polyandrous instinct and his sexual communism or socialism were more primitive than his marriage institution, survived its establishment, and were long in being displaced.

When the warriors, or brothers-in-arms, handed over a captured female to any individual owner, after she had undergone the rite of cœnomixy, which thereby became a preliminary marriage ceremony, they did not thereby give up all claim to her person. Herodotus says that among the Massagetæ "each man marries a wife, but they use the women promiscuously; . . . when a Massagetan desires to have the company of a woman, he hangs up his quiver in front of her chariot and has intercourse with her without shame."¹ This may be what has been called "communal or group marriage"; but it seems to be no more than a survival of socialistic rights before

¹ Cary, i, 216.

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individual proprietorship was fully recognised. Congruous with this is a practice mentioned by Hartland :¹ "It is not considered any offence among the Bhuiyars of South Mirzapur for a married woman to grant her favours to her husband's brothers." According to the language used here, the woman is free to grant ; if so, the practice looks like a relic of the free-mating privilege claimed by a captive wife and condoned, because exercised within what would be the limits for cœnomixy.² If so, it might be possible to say that the French practice of *menage du trois*, and the Italian of the *cicisbeo*, were really successful extensions of the free-mating claim on the part of a captive wife.³ So it is important to know if the brothers could force their claims like

¹ *Legend of Perseus*, II, 371.

² Possibly, it accounts for this :—"A very peculiar form of marriage is found among the Esquimos, according to Ross. A man has never more than two wives, so far as he observed, but the more able and useful of these maintains a second husband."—McLennan, *Studies in Ancient History*, ser. 2, 376 (1896).

³ Tak any brid, and put it in a cage,
And do al thyn entente and thy corage
To fostre it tendrely with mete and drinke,
Of alle deyntees that thou canst bithinke ;

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husbands, or if they had to sue like lovers.

There are many similar cases which will have to be re-investigated if the free-mating hypothesis be accepted ; but the point at present is not so much their connexion one with another as the evidence that they give for a deficiency of marital or gorilla-like jealousy, showing that not to be a primitive feature, but an after-acquirement in man—earlier in some races than in others in regard to degree of civilization, of course.

The practice of lending wives to guests, which is common enough,¹ is further evidence that a husband has not yet developed a strong instinct of jealousy or the idea of exclusive possession of a female. But there can be little doubt that this custom, like that of pre-nuptial defloration, remained in practice, survived as a superstition, in fact, because it was supposed to be a bringer of good fortune.² The stranger and the god

For ever this brid wol doon his bisnesse
To escape out of his cage, if he may ;
His libertee this brid desireth ay.

—Chaucer, *The Maunciples Tale*.

¹ Westermarck, ed. ii, 74.

² " In New South Wales wives are exchanged, not only for reconciliation, but to escape some calamity. The tribes on the Murray River practised temporary exchange of wives in order to avert some great trouble."—Crawley, *The Mystic Rose*, 1902, p. 280.

were often synonymous, and the development of the custom was, perhaps, in the first place, from the habit of allowing the cœnomixy privilege to strangers who had been made blood brethren. Then it extended to all strangers. "The men of Caidu, a region of Eastern Tibet, hoped by such an offering [of their wives to strangers] to obtain the favour of the gods."¹ Such hopes, doubtless, prompt the native to offer his wife to the white man, or to bring him virgins before marriage. The attentions of a god bring good fortune, and the wife who can attract him is esteemed. At any rate, his actions are not cause for divorce or reproach. When Pasiphae, wife of Minos, King of Crete, wonderfully produced the Minotaur of which her husband was not the father, he did not break off marital relations; and in other cases it is on record that a conception by divine agency is not to be accounted to a wife as a guilty action—rather, it is the highest honour: because the deity had chosen her to be a mother she was deemed most fortunate of women—quite accounted for by the strong reproductive instinct that must have been developed in struggling primitive man, a necessity for his success.

¹ Westermarck, ed. ii, 75.

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In the case of Babylon, the practice of lending wives to strangers as an obligation to a deity had become systematized and regularized as a state affair. The account given by Herodotus is of so much interest as a picture of human development in a highly-civilized community that there may be excuse for giving his passage in full.

“ It is the correct thing for every native woman to sit in the temple of Aphrodite, and once in her life to be coupled with a foreign man. And many, disdainful to mix with the others, being proud on account of their wealth, come in covered carriages, and take up their station at the temple, with many servants to wait on them. But the far greater part do thus : Many sit down in the temple of Aphrodite, wearing a crown of cord round their heads ; many are continually coming in, and others are going out. Passages marked out as straight lines lead in every direction among the women, and along these the strangers pass, making their choice. When a woman has once seated herself, she is not free to return home until one of the strangers, who throws a piece of silver into her lap, has lain with her outside the temple.¹ And the person who throws

¹ The performance of the rite within the

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the silver must say, 'I beseech the goddess Mylitta on thy behalf; the Assyrians call Aphrodite Mylitta. The silver may be ever so small, for she will not reject it, as that is not lawful, because such silver is deemed to be sacred. The woman follows the first man who throws it, and refuses no one. And when she has had the intercourse, and has rid herself of her obligation to the goddess, she is free to return home: after that time, however great a sum anyone gives her, he will not be able to obtain possession. Those that are pretty and have good figures¹ are soon set free; but the ill-formed are detained a long time, because they are not able to carry out the custom: some wait as long as three or four years. In some parts of Cyprus there is a very similar custom.'" ²

There is also mention of the practice in the *Book of Baruch* (vi, 43) which, speaking of the temple had, it may be noted, become taboo. "The Egyptians," says Herodotus, "were . . . the first who made it a point of religion that men should abstain from women in the sacred precincts; . . . for almost all other nations, except the Egyptians and Grecians, have intercourse in sacred places" (ii, 64). See also Chaucer, *The Persones Tale*, §86.

¹ Symmetry of shape (Cary).

² Herodotus, i, 199—translation based on Cary.

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about the gods of Babylon and the manner of their worship says, "The women also with cords about them, sitting in the ways, burn bran for perfume : but if any of them, drawn by some that passeth by, lie with him, she reproacheth her fellow, that she was not thought as worthy as herself, nor her cord broken." There is an interesting addition here : the rivalry of the women as to who should be chosen first, and the boasting of the one selected.

It is evident that the custom refers to wives and is not a pre-nuptial practice ; for, just before, Herodotus had been describing the Babylonian method of selling their maidens by public auction as wives : an excellent plan he considered it ; in that the money made by the sale of the prettiest was employed to provide dowries for the plain, to tempt poor husbands for the latter—a socialistic arrangement. Describing this custom the historian uses the term "maiden" (*παρθένος*) ; but for the temple practice he says "woman" (married woman, *γυνή*). So there was no obligation for the woman to pay her debt to the goddess before marriage, though such a temple practice of defloration is known to have been customary in the valleys of the Ganges,

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in Pondicherry and at Goa (Lubbock, Westermarck).

In the Babylonian custom there was no compulsion apparently, for it would have taken a most elaborate system of registration to make it so. Therefore it must be supposed that social custom (fashion), feminine rivalry and immemorial usage were the constraining factors : that each woman was free to perform when she wished what was regarded as a sacred duty, and happened to be a testimonial to her good looks : that she did perform it because it was the custom, much as a woman performs the ceremony of churching,¹ or of being presented at Court : ² that she regarded the rite as necessary for the material and spiritual welfare of herself and her

¹ In rural England a woman is not allowed to enter a neighbour's house until she has been churched : it is said that one of the inmates would die if she did. This shows the constraining power of custom.

² Perhaps there is not a wide difference between the origins of the temple and court ceremonies. " In Chamba (probably Cochin China), Marco Polo tells us no woman was allowed to marry until the King had seen her " (*Westermarck*, ed. ii, 79)—that is, until she had been presented at Court for a certain purpose. Some customs of presenting at Court are curious. Into the presence

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belongings. In such cases she would perform the rite when she particularly desired any special favour from the goddess, either to bring good fortune or to avert disaster ; and it seems possible that she was not limited to once for its performance. Even if the identification of the ἀνὴρ ξεῖνος, the stranger, with a god was not complete in this case,¹ yet there was supposed to be some special virtue in his supplication to the goddess ;

of a certain Sultan it was indecorous for any woman to come unless she was absolutely nude ; now, into the presence of the King at Court it is indecorous for any woman to come unless she be considerably nude ; and “ there was a well-known custom in Tahiti of uncovering the body down to the waist in honour of gods or chiefs . . . and on the sacred ground set apart for royalty.” —Tylor, *Early History of Mankind*, 1878, p. 49.

¹ A stranger may also be one who is strange : such a one is similarly venerable and venerated. “ Lunatics . . . who are harmless are generally regarded as saints. Most of the reputed saints of Egypt are either lunatics, or idiots, or impostors. Some of them go about perfectly naked, and are so highly venerated that the women, instead of avoiding them, sometimes suffer these wretches to take any liberty with them in the public street, and, by the lower orders, are not considered as disgraced by such actions.” —Lane, *Manners of Modern Egyptians*, 1895 ed., p. 237, ch. x.

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and it can hardly be doubted that material prosperity did accrue to Babylon, sufficient to justify the belief that it was the result of the practice. And perhaps it was, for the facility which capital cities give at the present day for similiar rites, is certainly a factor in their attraction of wealth.

CHAPTER V
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There are marriages of one man with one woman (monogamy), of one man with many women (polygamy), of many men with one woman (polyandry), and, in a few exceptional cases, of many men with many women.—*Westermarck*, ch.xx.

I love you so much and so completely that now I believe in marriage. You must be more than mine—you must be mysteriously, and legally, and eternally, and respectably, mine. If there were no marriage service, my instinct would invent it.—Lessard to Sophy Firmalden in *The Dream and the Business*—John Oliver Hobbes.

So far there has been considered only the general aspect of marriage—the development of the war right (cœnomixy) and some of its results. This marriage of captive women is the foundation of the marriage of dominion, or Ba'al marriage as Professor Robertson Smith calls it,¹ where the female is subject to the male. Now this Ba'al marriage is necessarily exogamic, and can present itself under four different aspects :—Polyandrous polygynous, or socialistic marriage with good supply of women ; polyandrous monogynous, or socialistic marriage with shortage of women ; monandrous polygynous, or individualistic marriage with good supply of women ; monandrous monogynous, or individualistic marriage with no surplus of women.

The polyandrous polygynous marriage would be the primitive form with a strong tribe : it is true cœnomixy. Later it would be regularized into a custom of so many relatives having so many captives in common—group marriage. Polyandrous monogyny would develop out of cœnomixy in the case

¹ *Kinship and Marriage in Early Arabia*, New ed., 1903, 92.

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of a weak tribe unable to keep many women to itself. This would in time be regularized as Tibetan polyandry, where so many brothers have but one wife between them.

Monandrous polygyny is the development out of polyandrous polygyny in a strong tribe able to get more than one woman per male, when the socialistic spirit breaks down and the individual spirit of personal ownership arises. This is regularized into the ordinary polygamy marriage, when the male marries as many women as he can acquire and afford to maintain.

Though wifeness was a stigma upon woman, to have many female slaves would be an honour to a man, to be reflected on the wives, who would therefore second his efforts.¹ The males of a tribe successful

¹ Their men have many wives, and by how much more they are reputed valiant so much the greater is their number. The manner and beauty of their marriages is wondrous strange and remarkable: For, the same jealousy our wives have to keep us from the love and affection of other women, the same have theirs to procure it. Being more careful for their husbands honour and content than of anything else, they endeavour and apply all their industry to have as many rivals as possibly they can, forasmuch as it is a testimony of their husbands virtue. Our women would count it a wonder, but it is not so: it is virtue properly

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in war might collect so many slaves wives as to be able to neglect the free females : they might even have too many slaves. Along some such line the rise of the wife to a position of honour and the decline of the free female to that of infamy has probably taken place.¹ Possibly the taboo principle helped the development.

Some tribes embarrassed with a superfluity of females might even be led to make an arrangement with their vanquished foes to relieve them of their abundance, as a matter of trade or as an act of policy.

Matrimoniall, but of the highest kinde. And in the Bible, Lea, Rachell, Sara, and Iacobs wives, brought their fairest maiden servants into their husbands beds. And Livia seconded the lustfull appetites of Augustus. . . And Stratonica, the wife of King Dejotarus, did not only bring the most beauteous chamber-maide that served her to her husbands bed, but very carefully brought up the children he begot "on her"—Montaigne, *Essays*, Book I, ch. xxx, near the end. Burns' wife acted much liked Stratonica in regard to the rearing.

See also *Arabian Nights*, "Story of Camaralzaman"; Burton, *Anat. Mel.* III, iii, 4, 1; and note to p. 52. The English divorce law does not recognize a wife's monopoly in her husband.

† Lord Avebury (John Lubbock) in *Origin of Civilisation* has noted this inversion of the status of the wife. I am indebted to Dr. Taylor for pointing this out to me.

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The Children of Israel made such an arrangement with their defeated foes, the men of Benjamin: they gave them virgins whom they had captured at Jabesh-gilead, and connived at their raid on the damsels at Shiloh.¹ So, too, Darius provided wives for the conquered Babylonians.² In default

¹ *Judges*, xxi, 11—23.

² Herodotus, iii, 159. What appears to be another case is that of the Picts, who asked wives of the Scots; cf. Henry of Huntingdon, p. 10, trans. Forester, 1853. Then there is this remarkable instance: "the Tupinambas of Brazil . . . would give their own women as wives to their male captives, and then, without scruple, eat the children when they grew up, holding them simply to be of the flesh and blood of their enemies." (Tylor, *Early History of Mankind*, 1878, 299.) The cannibalistic consequence here introduces another phase in the decline of the female. The doctrine of sole paternal generation must be comparatively late; it could not arise in matriarchal times, but would be the outcome of exaggerated patriarchy. It produces the dictum that the mother is only a nurse to the offspring, like a field to seed, developed in the *Hindoo Code of Manu*, in the *Eumenides* (see Tylor, loc. cit; Huth, *Marriage of Near Kin*, ed. ii, 1887, 41), and illustrated in *Tristram Shandy*, ch. cxv: "Not only the temporal lawyers, but the church lawyers, the juris-consulti, the juris-prudentes, the civilians, the advocates, the commissaries, the judges of the consistory and prerogative courts of Canterbury

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of any such arrangements vanquished people would be left with only a few slave wives, who would be nominally common property ; and this would be the step towards certain forms of polyandrous marriage.

Monandrous monogyny develops out of manandrous polygyny through stress of economic conditions, making the keeping of more than one wife a difficult matter. Its development is perhaps aided by the still surviving instinct for monautonomixy—the inclination of the female to mate with only one male of her own choice. Monandrous monogyny is found beginning among the poorer classes in polygamous countries, and it would gradually spread upwards¹ until the sentiment of the majority, making a virtue of necessity, favoured the legitimating of one wife to one man only. That the polygynous practice dies out latest in the highest ranks

and York, with the master of the faculties, were all unanimously of opinion that the mother was not of kin to her child"—the case of the Duchess of Suffolk claiming her son's property as next of kin.

¹ Relative number of females, the poorer classes able to make their wives profitable as beasts of burden or workers, and the richer finding wives only expensive toys, might be factors altering this development somewhat.

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may be seen in the custom allowed to potentates of keeping extra "wives" openly as mistresses.¹ Finally popular sentiment discountenances this custom.² Decline in virility under stress of economic conditions may have been a factor in the monogamic evolution: there is a readiness to damn practices that one is not inclined to.

The theory thus outlined—of necessity a mere sketch of the development—accounts for many of the requirements which Mr. Lang sets forth:—"that tribes would be

¹ Since virility would be inherited like any other character, signs of extra virility in potentates are to be expected naturally, for in brutes and humans it must have been the virile males that came to the front to rule the herd, acclaimed leaders by the females because of their virility. Says Burton: "Great personages will familiarly run out in this kind. Montaigne, in his *Essays*, gives instances in Cæsar, Mahomet, the Turk, that sacked Constantinople, and Ladislaus, King of Naples, that besieged Florence: great men and great soldiers are commonly great, etc., *probatum est*, they are good doers."—*Anat. Melancholy*, III, iii, 1, 2. Burton then cites many other instances, and more modern cases are easily called to mind, suggesting that there is a certain interdependence between leadership, or eminence, and virility, a factor not to be neglected in a study of evolution.

² See above, p. 27, on envy of sexual success.

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heterogeneous local aggregates of members of many different totem kins ” ; that the tribe would not be a kinship group ; it explains how “ the division of a herd into two exogamous moieties came into existence ” ; “ why members of the same totem-kin were forbidden to marry ”—Mr. Lang adds “ and to make love.” But the latter must be a very late development ; for it is quite contrary to human practice. There was love-making enough among even the nearest relatives at Saturnalia and festivals like those in honour of Astaroth ; there is mating of the nearest relatives among savages at similar festivals.¹ But, further, there is developed not only among savage but among civilized races both marriage within the tribe (endogamy) and marriage between relatives most closely connected by ties of blood.

¹ The theory that there was marriage with females from outside the tribe, and periodic mating with the females of the tribe, explains the conflicting accounts given by travellers of marriage restrictions and mating practice. They become quite intelligible if it is to be supposed that they have two distinct origins—man's lust in the one case, woman's periodic instinct of motherhood in the other ; and also that in time the marriage institution would break down woman's continency.

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This seems fatal to my theory : it is not, because I would argue that endogamy is not truly marriage, it is not a development of the marriage of dominion, but it is a regularization of the primitive mating customs, under the influence of the dominant fashion set up by the Ba'al marriage.

The test of a theory as its ability to explain the most varied and apparently isolated facts : by that test I desire this theory to be tried. For instance, it should not only explain the varied facts of mating and marriage, but the phenomena of succession to property. The matriarchal stage of succession belongs to the mating period : it is overlaid and well nigh obliterated by the later system of patriarchal succession which has arisen from the marriage system. So that the phenomena of the decline of the influence of the mate, and the rise of masculine dominance which resulted in females becoming chattels, are well reflected in the varied phenomena of succession to property which shew a curious mixture of inheritance through mothers more or less obliterated by inheritance through fathers.

There is an interesting illustration of this in Sir Henry Summer Maine's *Lectures on the Early History of Institutions*," 1875,

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only that he has quite missed the points because he is pleading for the patriarchal theory. He remarks that in Rome "the wife was said *convenire in manum*, to come under the hand of her husband" (p. 313). This is the exogamic or ba'al marriage. "The next stage in the legal history of Roman civil marriage is marked by the contrivance . . . by which the process of coming under the hand was dispensed with and the wife no longer became in law her husband's daughter," (p. 315). But if this was the next stage and not a survival of an old form, then it shews the exogamic marriage becoming modified by the endogamic marriage with women of property. And the next sentence seems to prove this : "From very early times it would appear to have been possible to contract a legal marriage by merely establishing the existence of conjugal society," (p. 315). That is, the free-mating developed into endogamy. But in order that this form of marriage should not, as the author goes on to tell, pass into the exogamic patriarchal form, the wife had to absent herself from home for three days and three nights : this protected her from the husband's assertion of patriarchal power over her person and her property. "The

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duration of the absence . . . is provided for in the Ancient Roman Code, the Twelve Tables, and doubtless the appearance of such a rule in so early a monument of legislation is not a little remarkable" (p. 316). However, it is not so remarkable from the present point of view: it is rather what should have been expected. The rule is a relic of woman's freedom, made when capture of women was commencing, in order to distinguish the free mate—subsequently free wife—from the captive. Then it would seem as if the free wife union lost respectability, but was revived and became the dominant form of marriage as woman regained greater independence under Roman civilization. Further developments the author traces out with much interest.

Turning then to the Hindoo law he says, "The settled property of a married woman incapable of alienation by her husband is well-known to the Hindoos under the name of *Stridhan*. It is certainly a remarkable fact that the institution seems to have been developed among the Hindoos at a period relatively much earlier than among the Romans." So it is from his point of view, that the patriarchal family is the beginning out of which he has to trace the emancipation

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of woman ; but it is not at all unexpected if the matriarchal stage be taken first, and it be considered that this woman's property is what she had as a free woman. Therefore the Hindoo custom shews the stage when the matriarchal customs were still strong, before the encroachments of the patriarchal ideas : not a liberation from those encroachments as Sir Henry Maine supposes.

The author continues : " The definition of Stridhan, or ' woman's property ' given in one of the oldest and most authoritative of the Hindoo juridical treatises, the Mitakshara, is as follows : ' That which is given (to the wife) by the father, the mother, the husband, or a brother at the time of the wedding, before the nuptial fire.' Up to this point, the doctrine has the concurrence of all the schools of Hindoo law, but the compiler of the Mitakshara adds a proposition not found elsewhere : ' also property which she may have acquired by inheritance, purchase, partition, seizure, or finding is denominated by Manu and the others ' woman's property ' (Mitakshara, xi, 2)" (p. 322). This wide extension of married woman's property, Sir H. Maine considers a " mystery " (p. 323) ; and so it is if the patriarchal stage be taken as the starting

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point, and then when all the evidence points to a strengthening of the patriarchal claims, the contrary development of woman's rights has to be accounted for. But it is no mystery if the matriarchal stage be taken as the beginning and then it be observed that the constant encroachments of patriarchal claims were all the time limiting the ancient privileges of women. In that case the oldest laws should shew the greatest extension of woman's property; and such is the case.

The property which a woman acquired by inheritance points back to heirship in the female line; that which she obtained by partition, seizure, or finding seems to point to the time when the free females of the tribe accompanied their brothers and fathers to battle, took their place in the fighting line like Amazons, and took their share of the spoils of war. When as a free mate of the tribe the woman possessed these rights of holding property, she would retain them when free mating passed over into endogamy; that is when she made a Semando marriage.¹ Gradually as exogamy

¹ "In Sumatra there were formerly three perfectly distinct kinds of marriage: the 'Jugur,' in which the man purchased the woman; the 'Ambel-anak,' in which the woman purchased the

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increased, with the captive wife who could possess no property, this form of marriage led to the degradation of woman as a whole, from the tendency to place the free women in the status of the captives. As to this process, Sir H. Maine bears witness (p. 333). "The successive generations of Hindoo lawyers shew an increasing hostility to the institution of the Stridhan, not by abolishing it, but by limiting to the utmost of their power the circumstances under which it can arise. Minute distinctions are drawn between the various modes in which property can devolve upon a woman, and the conditions under which such property may become Stridhan made rare and exceptional. The aim of the lawyers was to add to the family stock, and to place under the control of the husband as much as they could of whatever came to the wife by inheritance or gift."

In other cases besides those connected with property one ought to find traces of the mating system underlying and not quite man; and the 'Semando,' in which they joined on terms of equality."—Lubbock, *Origin of Civilisation*, ed. iii, 1875, p. 71. The first was ba'al marriage, the second a development of beenah marriage, or captive male purchased by a free woman (see later, p. 86), and the third was systematized free-mating between equals (see p. 93).

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obliterated by the marriage system, modified as the marriage system became the only recognized method of sexual cohabitation.

Such we do find ; and exactly where it would be expected—in the most conservative of all human institutions—the ruling caste—chiefs, kings and deities.

The life story of Helen is particularly interesting for the manner in which it fits into the theory of mating and marriage set forth in these pages.

For instance Theseus and Pirithous combine in a raid—the socialistic spirit ; and they carry off Helen as a young girl—just as the Israelites carried off the female children of the Midianites. Then the girl is in some way allotted to one of them—to Theseus, who places her under the charge of his mother for safe custody. Next Helen is rescued by her brothers, and returning home she takes up the position of a free woman of the tribe ; in which position she is courted by many suitors, and has the free power of choice. She chooses to mate with Menelaus : the union may not have been a marriage at the time ; but may have been turned into one by later writers under the marriage-stage influence. At any rate she is not a captive wife of Menelaus, but a free partner : it is

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an honourable Semando marriage if a marriage at all.

The next incident is that she is captured ("carried off") by Paris and taken away to Troy. Then her former suitors combine to make an expedition against Troy for her rescue.

After the death of Paris, Helen is taken as a wife by his brother, Deiphobos, that is to say she is heritable goods; and this is quite in accordance with the Israelite custom of the Levirate. After the capture of Troy and the death of Deiphobos, Helen is once more a free woman, and then she again mates with Menelaus, returning home with him to Greece.

In Jewish history Abraham mated with his sister, but he denied that she was his wife—actions quite consistent with the mating period.¹ But to make the story understandable in the marriage period, explanations have to be given: they have become incorporated with the original story, but, in my opinion, they are later accretions.²

¹ Sarah was the free woman; Hagar the bond woman. See *Galatians*, iv, 30.

² The details of the story only become intelligible and consistent if we regard the narrative as a conglomerate formed of materials of various dates.

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In Egypt, the rulers, the Ptolemys, mated with their sisters—keeping up into the marriage period a relic of an older custom; but such a custom happening at a time when marriage was the only recognized form of sexual cohabitation, is therefore called a marriage: its singularity is explained as due to state reasons.

Among deities, Zeus mated with his sister Hera, and it is distinctly stated that he mated with her first and married her afterwards. But that she ever was married may be the later legend—of the marriage period. Hera was actually the consort or mate of Zeus: his real wives were Metis and Themis, who were distinctly inferior to Hera, as indeed wives would be inferior to the free mate in the mating period. But of course much of what is related of Hera, and of how she is treated by Zeus, is, presumably, the accretion of the later marriage period, of the time when men treated their wives so, and when Hera, being coupled with Zeus, is necessarily thought to be his wife, to be treated as a wife. Even the roving amours of Zeus are quite consistent with the mating period; but I would class the tales of Hera's jealousy as the later accretions of the marriage stage, when, gradually, the woman came to

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regard the man as more and more her special property.

Quite illustrative of the development which has just been claimed, and having to do with royal personages, are the following cases. "In Western Africa the women of the reigning families might have as many lovers as they wished, but were forbidden to degrade themselves by marriage."¹ This is the mating period, when to be a wife was a disgrace.

On the west coast of Africa, "women of the royal stock married whom they liked." A certain princess gave a man authority to divorce his wife "in order that she might marry him. Having married him the princess kept him under guard as in a harem, and scrupled not to have his head chopped off, if he was detected casting eyes at any woman, when promenading under escort."²

¹ Lubbock, *Pre-historic Times*, ed. iv, 580, 1878. Queen Balkis of Sheba exercised such a right when she visited Solomon. Tradition has it that the reigning family of Abyssinia is descended from that union. A note to *Al Koran*, ch. xxvii, says that, according to one account, she *married* Solomon; according to another, a Prince of the tribe of Hamdan. *Married* is perhaps a later euphemism; and the probable explanation is two matings.

² J. F. McLennan, *Studies in Ancient History*, (2) 1896, 435.

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Here the old gynocratic mating has developed into a marriage, copying the prevalent custom of the ba'al marriage, and it is evident that the proceeding had become so recognized, for woman thus to be united with a man, that wifehood was not a disgrace to a female. But here we have a marriage of dominion, only that it is female instead of male dominance : it is not a true ba'al marriage ; it is an imitation. It appears to be a gynocratic endogamic marriage.

Had the man been of another tribe it would be a gynocratic exogamic marriage. This is known as a beenah marriage where the husband goes to the wife's kin ; and beenah marriage is an obvious relic of the old matriarchy which preceded patriarchial dominance. There are such beenah marriages now in the cases of reigning female sovereigns—for instance in those of the late Queen of England and the present Queen of Holland. The marriage of the Baroness Burdett-Coutts—her husband taking her name—is congruous ; only that in the cases of the Queens the marriage is true beenah form, exogamic, in the case of the Baroness it is endogamic.

Now the origin of the beenah marriage is perhaps this : when the males of a tribe

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captured women for themselves they “ saved the little ones alive ”—boys as well as girls,¹ and brought home the boys as slaves for the free females ; or the free females may have been in the fighting line and captured them themselves. These boys as they grew up might be chosen as mates by the females—much as a modern heiress casts eyes on a groom or a chauffeur. At a later date such mating became marriage—gynocratic.² If this is an origin it is necessary to suppose that mutilation of male captives is a development of a later stage of culture—finding favour under masculine dominance as an effectual means of limiting the females’ area of choice.³

Again, if this be an origin there ought to be found a custom of marrying young boys from another clan to much older women. There are customs of boy-woman marriages,

¹ *Numbers*, xxxi, 17. The order to “ kill every male among the little ones ” shows that there was a custom of bringing them home.

² In patriarchal times, a man who had no sons would use the old custom of beenah marriage to continue his house through a daughter, as in the case of Sheshan, who gave his daughter to his Egyptian servant, Jarha.—I *Chronicles*, ii, 34, 35.

³ For further remarks on the male’s desire to limit the females’ area of choice, see later p. 152.

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but that they are exogamous is not certain :¹ they ought to be so originally, even if they may have become endogamic later.

Nair polyandry, where the husbands are of various clans and go to the wife's clan and the children belong to her, is a true gynocratic marriage of the beenah type, **only** with many husbands instead of one. It is a development of polautonomixy with foreign men.

Toda polyandry, which is endogamous, is a development or regularization of polautonomixy with men of the same clan : it is regularized free mating.

Another origin for beenah marriage—and there may be more than one contributory origin—is found detailed in the story of Jacob's marriage with Laban's daughters. This story is interesting because it relates how a beenah marriage, with husband and children belonging to the wife's kin, passed into a Deega or Sadîca marriage, with the wife and children belonging to the husband's kin. The change was due to the increase of male dominance, and the growing custom of the ba'al marriage.²

¹ Westermarck, *Human Marriage*, ed. ii, 453.

² There is another origin for beenah marriage detailed in *Exodus*, xxi, 1—6. If a man purchased

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Here too is found one explanation of the endogamic marriage, to prevent an heiress transferring any property she might possess to a husband of another tribe, or to prevent a foreign husband acquiring rights over land belonging to a wife's tribe. So the enactment was made by Jews, Greeks, and other nations, that an heiress must marry one of her own tribe, narrowed later for family reasons, to one of her own kin—a first cousin is favoured among the Jews.² But such an enactment could only have been made when public opinion was accustomed to speak of mating unions among kin as marriage, in conformity with the prevalent custom of ba'al marriage.

A once strong tribe, long accustomed to ba'al marriage, coming into contact with a stronger tribe, and having no opportunity to steal women, nor permission to purchase them, would be quite prepared to regard mating unions among kin as marriage, and would give as a reason for not marrying strange women a story on the Fox and the

a man-servant, and gave him a wife, and the man-servant wished to leave, then he had to leave by himself: his wife and children belonged to the master, and he could not take them with him.

² *Numbers*, xxxvi; *Tobit*, vii, 12, 13.

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Grapes principle. Thus when the Jews were a conquering nation exogamic marriage was common with them ;¹ but later, when they were a conquered race, they became strictly endogamic, and to explain the custom averred that the foreign women possessed all kinds of bad qualities.

So when a conquering nation came into contact with a conquered one whom they despised, pride might prevent them giving their daughters in marriage to the conquered, and under the influence of the ba'al marriage, they would be inclined to call the mating unions, formed by their women with men of their own kin, marriage. Huth has remarks in a similar strain to account for endogamy among conquerors and among the conquered.² Now the endogamy among conquerors might be called voluntary endogamy, that among the conquered compulsory endogamy. The mating between near kin, such as the mating or marriage of brother and sister among potentates may be regarded as voluntary endogamy arising from pride of race ; but segregation of this kind is a common enough zoological phenomon, and is a contributory

¹ Especially if certain unions be excluded as not marriage, but mating.

² *Marriage of Near Kin*, ed. ii, pp. 33, 34, 1887.

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cause to the making of different species. Human expressions of this segregating instinct are found in the making of castes and of classes,¹ in anti-Semitism, and in the lynching of negroes in America.²

How did the mating and marriage between the nearest kin fall into disuse and come to be stigmatized as so disgraceful, seeing that such mating was common enough and that this marriage was indulged in by potentates? The suggestion may be made that it has followed the line of development already illustrated in regard to pre-nuptial chastity—the taboo; and the violence with which it is stigmatized is evidence in

¹ “ Thus every Jack sticks to his own Jill ; every tinker esteems his own trull ; and the hob-nailed suiter prefers Joan the milk-maid before any of my lady’s daughters. . . . It is hence only that all societies receive their cement and consolidation.”—Erasmus, *In Praise of Folly*, 1876 ed., p. 33.

² “ For generations the girls [of the village of Ladis, in the Tyrol] have not been allowed to marry outside their village. A very beautiful girl, who violated this custom, was lately lynched by the youths of the place.”—Huth, *Marriage of Near Kin*, ed. ii, p. 117, 1887, referring to *Times*, Sept. 7th., 1886.

“ Better marry over the mixon than over the moor ” : Cheshire proverb ; R. Holland, *Ches.*

that respect.³ It was once so sacred a marriage as to be forbidden to all but persons of sacred character—potentates; and, being thus a marriage wrongful for the laity to enter into, the idea of its wrongfulness so spread that it came to be forbidden to everyone. This is the ordinary evolution of taboo—a principle which so often leads to that curious inversion, that what was once so sacred becomes forbidden, and because forbidden is deemed accursed.

As illustrative of the principle of taboo and its working the following may be cited: “The disappearance of cannibalism is due to reverence, not to disgust, and in the first instance men only refused to eat their kindred.”⁴

Let us paraphrase this. The disappearance of mating or marriage with near kin is *Gloss.* (Eng. Dial. Soc., 1886), p. 447. This proverb shows endogamy favoured in Cheshire.

‡ The violence with which sex attributes and actions are stigmatized would be good presumptive evidence, if there were no other, for their having been once as ardently worshipped with reverence. There is, however, much positive evidence for such worship. Therefore, in other cases, in the absence of positive evidence, the attitude of hostility becomes presumptive evidence for former worship.

⁴ Prof. W. Robertson Smith, *Kinship and Marriage in Early Arabia*—new ed. by S. A. Cook, 1903, 309.

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due to reverence not to disgust, and in the first instance men only refused to marry their mothers or their sisters.

As in other cases to explain a prohibition of unknown origin, various surmises are set forth at a later date. Those finding most acceptance state that the result of in-and-in breeding is harmful to the offspring; but the researches of Huth seem to indicate that the result is to accentuate the characteristics of the parents. If, therefore, the parents be strong, the resulting offspring shew increased strength, but if they be weak, greater weakness. Therefore a declining race would decline faster by in-and-in breeding than otherwise; and so a declining race is justified in maintaining the prohibition against the marriage of near kin.

There are certain forms of marriage which shew very clearly that they are nothing more than systematized free-mating unions. One such is the *mot'a* marriage of the early Arabians described by Prof. Robertson Smith.¹ It was a temporary contract, sometimes for a very limited period, was easily dissolved, and the children followed the mother—all the elements of a mating union which has been regularized. Such, too,

¹ Op. cit. 83, etc.

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is a "sighe" marriage—"a 'sighe' wife in Persia is taken in marriage for a certain legally stipulated period, which may vary from one hour to ninety-nine years."¹

Another is the handfasting custom of Scotland—the temporary marriage for a year and a day on trial, at the end of which time it might be confirmed as a permanent union by the priest, or the partners were free to separate and mate afresh.²

This is nothing else than temporary monautonomixy regularized under the influence of the ba'al marriage. How exponents of the ba'al marriage, advocates of the entire submission of woman, attempt to put an end to such a custom, on the plea that they are acting on behalf of woman herself, may be seen in the arguments which Sir Walter Scott has in *The Monastery* put into the mouth of the Warden.

The marriage which is valid by Scotch law, the marriage by repute, or by simple declaration before a witness, is obviously from its lack of ceremonies, a regularized free-mating union; so is the Semando

¹ *Westermarck*, ed. ii, 519.

² Cf. Scott, *The Monastery*, Vol. XIX, 1830 ed., ch. viii (ch. xxv of *The Monastery*). He says, in a note, that there are traces of the custom in the Isle of Portland.

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marriage of Sumatra, as it is a union of equals—noted above, p. 80, note.¹

What I have attempted to show is that mating belongs to the first period in human affairs and marriage to the second ; also that marriage has not originated from the primitive annual free-mating (autonomixy) of social animals. That developed into Saturnalia, worship of Astaroth, Australian corroborees. It remains at the present day, in more or less ceremonial decay, in Carnivals, May-day games, and the kissing ceremony of Hungerford. But human marriage developed from communal rape (cœnomixy) : it is the result of the practice of capturing women in war ; and modern marriage ceremonies, even in Europe, give evidence of the socialistic rites which attended such capture. The wife has developed, since the time when man was a Simian, not from the free-mate of a social animal, but from the despised slave of a lustful male.

The gynocratic beenah marriage and Nair polyandry, the mot'a marriage and the various forms of endogamic marriage are not really exceptions to this statement. They are, properly, forms of free-mating, and they have only been forced into line and called

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marriage long after the true ba'al exogamic marriage had been established. In time, under the growing influence of the ba'al marriage and of masculine dominance, the wife in many of these marriages comes to take a position subordinate to the male—they pass over from being gynocratic to become androcratic marriages. Here it may be suggested that many of the descriptions given by travellers as to the marriages of savages are tainted by their prepossession in regard to the ba'al marriage to which they are accustomed, so that many forms of free-mating cohabitation have been unjustly called marriage.

Now it may be asked, whether the communal herd theory here stated, or Dr. Lang's Gorilla theory, best meets the very varied facts of human institutions and customs? Mr. Lang attempts to justify his Gorilla theory on the ground that it accounts for human marriage and tribal arrangements. But it does not account for man having been able to enslave his female partner, for marriage becoming a matter of ceremony and contract; nor does it explain how a social tribe could develop from an aggregate of anti-social units. Yet if it did, it would only account for part of the phenomena. The

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improvement of the human brain ; the development of speech ; the success of Homo and the failure of the Anthropoids ; the prevalence, in Homo, of the instinct for polymixy ; the human rites of coenomixy ; religious sexuality ; *jus primæ noctis* ; mating of near kin ; prohibition of near kin marriage ; exceptions to such prohibitions ; principles of inheritance, especially inheritance through mothers — all these and many other phenomena have to be fitted into and explained by a satisfactory theory of what were the sexual arrangements of primitive man.

CHAPTER VI

THE FEMALE AS WIFE

Though of bad conduct and debauched, or even devoid of good qualities, a husband must always be worshipped like a god by a good wife.—*Institutes of Manu.*

Wives submit yourselves unto your husbands, as unto the Lord. For the husband is the head of the wife.—Paul, to the Ephesians.

Cursed be the man, the poorest wretch in life
The crouching vassal to the tyrant wife.

.
Were such the wife had fallen to my part,
I'd break her spirit, or I'd break her heart.

BURNS.

The obligation I incurred was just
To practise mastery, prove my mastership :
Pompilia's duty was—submit herself,
Afford me pleasure, perhaps cure my bile.

Guido Franchesini, *The Ring and the Book*,
cit. by Mona Caird.

VI

IN the earlier chapters the origin and development of marriage have been considered ; the present and the following chapters will be devoted to a discussion of the influence which the institution of marriage has had upon the status of woman. It cannot be an exhaustive inquiry, but it may show sufficient of the effects.

It is obvious that profound physiological changes have taken place in woman as the result of man having brought her into that condition of slavery now euphemistically known as marriage. It is interesting and quite appropriate to our present investigation to see how this works out, observing as a preliminary that psychological changes are the necessary accompaniments of the physiological.

It is postulated, in the first place, that the female in Simian times was approximately equal to the male physically, like a cat, a dog, a rabbit ; that she was able to give or withhold her consent ; that she did withhold it, and was continent, more than man liked ; that she was really the ruler, and he the ruled. This lasted into early human times, and is the stage of matriarchy or metrocracy

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—a condition of affairs which we find it so hard to imagine now, but of which there remain so many relics.¹

In time, with the development of marriage, patriarchy ousted matriarchy, man ruled, and woman was, and is now, with few exceptions, subject to him. Her position may be illustrated by the following extracts :

Among Australian natives, “ When a man has obtained a wife . . . he is her absolute master. She is expected to provide him with an ample supply of roots and other kinds of vegetable food, and to be in every way his willing slave. From him she receives nothing but the bones and refuse of the game, and is liable, on the slightest caprice, to be cruelly beaten or speared ; while, when ill or seriously injured, she is left to die without the slightest compunction. Few women are free from frightful scars on the head, and marks of spear wounds on the body, while some are completely covered

¹ Darwin cites Vogt : “ It is a remarkable circumstance that the difference between the sexes as regards the cranial cavity increases with the development of the race, so that the male European excels much more the female than the negro the negress.”—*Descent of Man*, ch. xix, 1888, 566, Note 26. It is exactly the condition which the postulate requires.

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with such proofs of the ill-treatment of their husbands.”¹

“The social position of women seems to have been very degraded among the aboriginal tribes of North America. ‘Their wives, or dogs, as some of the Indians term them,’ are, indeed, well treated so long as they do all the work, and there is plenty to eat. . . . Among some of the North Californian Indians it is not thought right to beat the wives, but the men allow themselves the privilege of shooting such as they are tired of.”²

Such is the case of woman in savage countries ; what obtains in the civilized may be illustrated by a few English examples, for, according to the proverb, “England is a paradise for woman.”³ In the 17th century a wife could be sold like a cow. She was brought into the market with a halter round her neck ; and a shoemaker of

¹ Stanford's *Australasia* : A. Russell Wallace, 1893, I, 144.

² Lubbock, *Pre-historic Times*, ed. iv, 532, 1878.

³ “England is a paradise for women, and hell for horses ; Italy a paradise for horses, and hell for women, as the proverb goes.”—Burton, *Anat. Melancholy*, III, iii, 1, 2 ; and see Ploss below.

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Worcester purchased the wife of a day-labourer for the sum of £5.¹ Newspapers of recent dates report similar cases. At Dunmow a woman related that her husband sold her to her present owner for £5 twenty-two years ago ; and she has had twelve children by her purchaser.²

“ Wife-selling is not a matter of history, but of present practice. Only two months ago a Hull seaman, returning from a voyage, found that his wife had made a new home with another man. Summary vengeance gave place to commercial considerations, and after negotiations the injured husband abandoned all claims in his wife for a payment of £4. In another recent case 30/- was the consideration, and the transfer—witnessed by the wife’s mother—was made in the following document :—“ Mr. ——— to have my wife, Elizabeth—free from me for ever to do as she has a mind, this day, December 11th, 1894.”³

Very different, however, is the price in the case of what may be called a compulsory sale.

¹ Ploss, *Das Weib*, ed. viii (1905), Vol. II, p. 579.

² *Daily Chronicle*, October 15th, 1908.

³ *Daily Chronicle*, Dec. 14th, 1909, p. 4, col. 7.

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In 1860-70, at Bradford Abbas, Dorset, a South-Western railway train killed the wife of a day-labourer at a crossing. The jury awarded the widower £200 compensation. When the news reached his native village, one of the wives promptly saw the danger of such a price. "Two underd pound!" she exclaimed. "Two underd pound! Why the men of Bradford 'll make their wives bide on the line till they be runned over if they can get two underd pound a-piece for'm."¹

The Railway Company were alive to this danger: they promptly constructed a subway. They knew how wives have been "taught" to obey their husbands.

"The Rev. Mr. Bird has delivered a course of lectures in which he contends that it is a man's duty to rule his own household, and that if his wife refuses to obey his orders, he is justified, according to the law of God, in beating her, in order to enforce obedience."²

¹ *Daily Telegraph*, March 27th, 1909, p. 7, col. 1, reports the award of £233 16s. damages to a husband whose wife was killed by eating tinned salmon. The odd money was for expenses. Reckoning twenty years' purchase, the jury in each case valued the services of the wife at £10 per year.

² *Reynolds'*, Oct. 14th, 1906, quoting from issue of Oct. 12th, 1856.

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This reverend gentleman was evidently an upholder of the significant old maxim, which said :

“ A donkey, a woman, a walnut tree,
The more they're beat, the better they be.”

“ It is those who injure women who get the most kindness from them : they are born timid and tyrants,” says Thackeray ;¹ and a magistrate remarks : “ This poor, delicate little woman had borne, all too uncomplainingly, a long course of studied brutality from her husband. It only showed the extreme patience of some wives.” She had borne it “ because he would give her no money when she left him, and what was she to do with all her little children ? ”²

¹ *Vanity Fair*, II, ch. xvi.

² *Reynolds'*, Oct. 14th, 1906 : Police Court case.

“ At Northampton Divisional Sessions, on Saturday, John Underwood, a labourer, who was found on Lord Northampton's game preserves in possession of a gun and two dead pheasants, was sentenced to three months' hard labour, and at the expiration of that sentence to be bound over to refrain from poaching for one year, or, failing to find sureties, to go to prison for a further six months. At the same Court, Charles Faulkner, a labourer, was sentenced to two months' hard labour for a brutal assault upon his wife at Moulton ” (*Cheltenham Examiner*, Jan. 21st, 1909, p. 3, col. 4).

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Or, take what Petruchio says to Katharine :—

“ She is my goods, my chattels ; she is my house,

My household stuff, my field, my barn,

My horse, my ox, my ass, my anything.”

While Katharine acknowledges :

“ Thy husband is thy lord, thy life, thy keeper,

Thy head, thy sovereign.”

Can one imagine any female brute entertaining such opinions of the male, or the male able to assert himself so arrogantly ? If the male comes a-courting Mistress Puss, and she accepts him as a mate, he does not thereby obtain dominion over her. It is she that dictates to him ; it is what she wants, not what he requires. Should he seek to be mate again, he must woo again. Once won is not always won. Should he be unacceptable, she turns on him, so that he is glad to escape. She can fight for herself, even as Long Meg of Westminster,¹ or Lavengro's Isopel Berners could fight. She can resist, as Chaucer describes the maiden Zenobia doing.² Yet Meg or Isopel

¹ Celebrated in plays and chap books of the 18th century.

²

“ she coude eke

“ Wrastlen by verray force and verray might

With any yong man, were he never so wight ;

or Zenobia are regarded and celebrated as being abnormal, while any she-brute able to hold her own against a male is normal.

So Isopel Berners or Long Meg are survivors of a type which has nearly been bred out by marriage. Yet this type must once have been supreme, and, if what Herodotus tells of the Amazons has even small foundation, such tribe was possibly a case of an isolated community surviving in a highly-developed matriarchal stage, when most tribes around them had arrived at the patriarchal. But, in the matriarchal stage it may be surmised that all females were pretty much Isopel Berners. They acted towards the males like Queen Zenobia did to her husband;¹ and such instinctive sexual restraint impelled the unsatisfied males to raid weaker tribes for female slaves.

The result that next follows is curious. The captured women would quite as instinctively resist masculine designs as the

There mighte nothing in her armes stonde
She kepte hir maydenhod from every wight."

Chaucer, *The Monkes Tale*, *Cenobia*.

¹ "She never admitted her husband's embraces but for the sake of posterity. If her hopes were baffled, in the ensuing month she reiterated the experiment."—Gibbon, *Decline and Fall*, ch. xi.

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free women¹ of the raiding tribe. Herodotus tells us that the Amazons, whom the Greeks had captured in the battle of Thermodon, and were taking home in their ships, turned on their captors and slew them.² But, generally, the captured Isopel Berners would only be killed for making a resistance ; while the captured Lucretias might kill themselves. Thus there would be left only the more timid, more yielding women, faced

1 " How clene maydens, and how trewe wyves,
How stedfast widwes during al hir lyves,

.
The wo that they enduren for hir trouthe.
For to hir love were they so trewe,
That, rather than they wolde take a newe,
They chosen to be dede in sundry wyse.

.
And some were brend, and some were cut
the hals,

And some dreynt, for they wolden not be fals.
Chaucer, *Legend of Good Women*, A.

The instinct to resist is still found. A novel by Victoria Cross turns on the bride's refusal of concubitus, and the husband's unwillingness or inability to enforce it. And Chaucer says : " She hath merite of chastitee that yeldeth to hir housbonde the dette of hir body, ye, though it be agayn her lykinge and the lust of hir herte."—*The Persones Tale*, § 80.

² Herodotus (Cary), iv, 110.

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with the alternative, death or submission, and these would find the instinct for life stronger than that of denial: they would submit.

In the excitement of the raid, rough and ready would be the means of discrimination used by the raiders as to which females they should kill, and which save. In time such methods of discrimination would become instinctively systematized. It is obvious, from the instructions issued to the Israelites concerning whom they were to spare from the general massacres which followed their victories, that an easily-noted difference was seized upon. They were told to spare only the women children—the girls: these the warriors were to take home for themselves: they became their wives.¹

The instructions—"the women children who have not known a man by lying with him"² indicate that the girls who showed no signs of puberty were to be saved; and that all the women, having been outraged by the warriors on the field of battle, were to be massacred. It is probable that a like practice was general, and was followed for a long time—perhaps because older women

¹ *Judges*, xxi, 14.

² *Numbers*, xxxi, 18; *Judges*, xxi, 11, 12.

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would be troublesome captives—until it became a settled instinct in the human male ; for the slaughter of outraged women is a feature of warfare : it is found among the Bulgarian atrocities, and in the doings of European troops in China during the Boxer rebellion : ¹ it also occurs as a feature in crimes of the Jack-the-ripper type. Such an instinct seems only to be explainable as temporary atavism to some habit formed and long practised by the human race under certain conditions—practised so long as to become a settled instinct liable to create an uncontrollable impulse.

The selection of young girls for wives is an obvious selection of the weak. From such a practice as this would arise the custom of marrying girls of 10-12 years old to men of middle age : it obtains in various countries. It is stated that Mary was only twelve years of age when she was espoused to Joseph, who described himself as an old man.²

¹ Putnam Weale, *Indiscreet Letters from Peking*, 1900, p. 252.

² *Protevangelion*, viii, 3, 13.

The wife of Bath was twelve years old when she married the first of her five husbands ; and, according to the present law of England, a girl can be married at twelve years of age, and a boy

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Where the custom of girl marriage to middle aged or old men obtains it may be considered as evidence suggestive of the former existence of the practice of killing all but girls in a raid.¹

at fourteen ; but if the husband asserts his rights before the girl is thirteen he can, under the Criminal Law Amendment Act, be indicted for a felony ; and, before sixteen, for a misdemeanour.

¹ The season of marriage . . . was fixed by Numa at the tender age of twelve years, that the Roman husband might educate to his will a pure and obedient virgin."—Gibbon, *Decline and Fall*, ch. xliv. Apparently, Numa was only legalizing what had become a custom, based on the fact that it is easy enough to tame the kid, but almost hopeless to subdue the dam.

" But certeynly, a yong thing may men gye
Right as men may warm wex with handes plye."
Chaucer, *The Marchantes Tale*.

The distinction between marriage and mating must be kept sight of. It is natural for mating to occur at puberty and between those of equal age ; but marriage is an arbitrary proceeding, not necessarily governed by puberty. The warriors in a raid could capture women of all ages for wives (slaves). If they married only the girls, it means that they discarded the rest for some reason. And the special point is the custom of middle-aged men marrying young girls. Add to this, the wife being legally regarded as a husband's daughter (above p. 77).

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Of those who were saved in a raid, whether young girls or the least resistant women, many would die from the treatment they received; some would survive to produce offspring, many of which would die because they were born at the wrong season. But it would not matter: it would be a weeding out of those unfit for these peculiar conditions. Whatever they did produce would be an addition to the normal breeding power of the tribe, which would thus increase in importance. And the mothers who survived would produce daughters more likely to survive the conditions. So that two selective processes must go on—selection of the weaker for wives and elimination of the weakest of these through ill-treatment.

Given many thousands of years of selection in this way—tribe warring against tribe, killing off the would-be independent females, and breeding from the submissive women or from undeveloped girls—the result is an increasing sexual disparity—submissive weakly females, but dominant lustful males.¹

¹ On sexually-limited inheritance, see Darwin, *Descent of Man*, ch. xv, *et seq.* In ch. xix he discusses reasons why man has become superior to woman, and concludes that certain characters gained by the males were transmitted more fully to the male than to the female offspring. He says :

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Then the forcing them at all times and seasons would encourage profligacy in women, and they would have to acquire the power to submit and endure without injury the constant lust of man.

Now we are in a position to understand the meaning of the terms "wife" and "woman"; and it will be seen that in them a whole chapter of human evolution is packed away. For "wife" is a neuter noun (German *das Weib*) connected according to Prof. Skeat with the Latin *vibrare*: so "wife" means "a trembling thing." Skeat is at a loss to understand the sense "trembling": it seems very obvious—it expressed the characteristic of the captive. She was not alluded to as a person; she was only a thing—as Petruchio says a chattel—called "It is fortunate that the law of the equal transmission of characters to both sexes prevails with mammals; otherwise it is probable that man would have become as superior in mental endowment to woman as the peacock is to the peahen." Though the law prevails, it is not the exclusive law: it does not mean that equal transmission is always the case, but generally; because there is sexually-limited inheritance of voice, beard, frame, mentality, and so forth. Not but what the females may in time gradually develop such characters through inheritance, just as some female mammals have developed the masculine fighting attribute of horns.

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“ it ” like a young child, which probably she often was.¹

Then “ woman ” marks the rise in the dignity of a wife—again expressing the course of human evolution ; for she has become a person. “ Woman,” Skeat tells us, is “ wife-man,” that is wife-person ; for “ man ” could be masculine or feminine.

The term used by the Aryans to denote the free-female—the free-mate—was “ queen’

¹ So clearly was woman defined not as a *person*, but as a *thing*, that if the ordinary title were deficient, she might be claimed, like other moveables, by the *use* and possession of an entire year.—Gibbon, *Decline and Fall*, ch. xlv.

In the Mosaic commands there is no prohibition against a wife working on the seventh day—she is not mentioned at all (*Exodus*, xx, 10 ; *Deut.*, v, 14) ; but the wife is mentioned as one of the *things* of a neighbour that is not to be coveted. In *Exodus* (xx, 17) she is mentioned after his house, but in *Deuteronomy* (v, 21) she is placed before it : however, in the Greek version of both passages the wife is named first, and the house second. These cases give, perhaps, curious testimony for the advance in the status of the wife ; but the Prayer Book rendering of the Commandments, which does not follow either Biblical version literally, has chosen to place the house before the wife in the Tenth Commandment. Woman had lost ground with the Reformers (see p. 137), and the sentiment of *Exodus* was most consonant with their opinion.

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and its equivalents: that signified the “producer of young.” And while queen (quean) is a title of infamy in one case, it is a title of the highest honour in another. Here again human evolution is preserved in a word. For, as the case of the African princesses shews, it was lawful and honourable for a royal person to be a queen—a free mate—but it became infamous for an ordinary female to be so.

So even philology supports the theory here put forward that female inferiority is due to the institution of marriage. The word “wife” is a term of contemptuous reproach, aptly marking a phenomenon which distinguishes man from most if not from all the brutes, the enslavement of females by the males of their own species.

CHAPTER VII

MARRIAGE

AS AN INSTITUTION

O ! why did God create at last
This novelty on earth, this fair defect
Of Nature ? And not fill the world at once
With men, as angels, without feminine !

MILTON.

Trewe effect of mariage clenseth fornicacioun
and replenisseth holy chirche of good linage ; for
that is the ende of mariage ; and it chaungeth
deedly sinne in-to venial sinne betwixe hem that
been y-wedded. . . . This is verray mariage,
that was establissed by god er that sinne bigan,
whan naturel lawe was in his right point in paradys ;
and it was ordeyned that o man sholde have but o
womman, and o womman but o man.—Chaucer,
The Persones Tale.

The very terms upon which the parties [to a
marriage] pledged themselves at the Altar proved
beyond question that matrimony was something
Divine which God had set up for His own Divine
purposes.—Sermon by Father Vaughan, *Daily
Chronicle*, June 15th, 1908.

VII

WE are told that marriage is a divine institution ; and the public opines that it was specially ordained for woman's good, and for her protection. Even philosophers, who have not surrendered their reason to the theological yoke, have assented to these ideas. Matthew Arnold in *God and the Bible* (ch. iii, 5) has a paragraph (8) which states :—" In the relations between the sexes we are on ground where to walk right is of vital concern to men, and where disaster is plentiful. Who first, in the early and tentative up-struggling of our race, who first discerned them, this peril of disaster, this necessity for taking heed to one's steps ? Who was he that amid the promiscuous concubinage of man's commencements . . . through attachment to his chance companion or through attachment to his supposed offspring, gathered himself together, put a bridle on his vague appetites, marked off himself and his, drew the imperfect outline of the circle of home, and fixed for the time to come the rudiments of the family ? Who first, amid the loose solicitations of sense, obeyed, (for create he did not) the mighty *not ourselves* which makes for moral order,

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the stream of tendency which was here carrying him, and our embryo race along with him, towards the fulfilment of the true law of their being ?—became aware of it and obeyed it ? Whoever he was, he must soon have had imitators, for never was a more decisive step taken towards bringing into human life greater order, and with greater order greater well-doing and happiness. So the example was followed, and a habit grew up and marriage was instituted.”

Ingersoll, too, a more advanced thinker than Matthew Arnold considers that marriage protects woman from man’s lust, and fails to realize that it is the outcome of that lust. He says : “ The marriage of the one man to the one woman is the citadel and fortress of civilisation. Without this woman becomes the prey and slave of lust and power, and man goes back to savagery and crime. . . . Lover —husband —wife —mother —father—child—home !—without these sacred words the world is but a lair, and men and women merely beasts.”¹

It seems impossible to alter a belief so firmly held. But it is firmly held in consequence of the biological law that any organism

¹ *Some Mistakes of Moses* ; xxvi, *Inspired Marriage*.

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tends to become adapted to its environment, so that any race or species is always necessarily reproduced from those who can best adapt themselves to and therefore be happiest under any given environment.¹ So much does this work that a species or race having for a long time to put up with discomfort or hard fare or ill-conditions comes at last to be so adapted to these conditions that it actually and instinctively prefers the bad conditions to the good.

Walter Besant, in *All Sorts and Conditions of Men*, noted the difficulty of making the slum dwellers realize their discomfort or be dissatisfied with their lot. And the slave becomes so used to slavery as to prefer it to freedom.²

¹ As there is a constant reproduction of the cells of the body, the same law must hold for the individual—the cells which are not suited to the environment must be constantly replaced by those that are. This would be the principle of acclimatization, immunity, and so forth.

Again the principle of reproduction from the most adaptive means that optimism must always be the world's note: for, however bad the conditions be, those that can be happiest under them will leave behind the most progeny.

² "Plato, in his seventh book, *De Legibus*, hath a pretty fiction of a city under ground, to which,

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Goats and donkeys are two animals that may be instructively studied in this connection. Why do goats choose brambles and thorns, hard twigs and dry grass in preference to a rich meadow pasture? Why do donkeys choose to eat thistles, nettles, and that which other cattle refuse? Because for generations such things have been their accustomed fare; they owe their existence as species to their ability to live and thrive on what other species rejected; their species were always being reproduced from those who could be happiest, could thrive best under these conditions; so this fare became not only palatable, but instinctively pleasurable.

One may note the same traits in woman as the result of her servitude in marriage. The slave of the male, she has had to be

by little holes, some small store of light came: the inhabitants thought there could not be a better place."—Burton, *Anat. Melancholy*, III, ii, 5, 2.

"The chicken that is hatched in hell likes no other place as well."—Allen Raine, *A Welsh Witch*. This shows the flaw in the theory of eternal punishment. If the damned are to survive, then, by the law of adaptation to environment, they would, in time, come to enjoy the fire and brimstone. If they are not to survive, there is no punishment.

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content and happy with what her lord might give her.

The Australian natives give her only the refuse of the game.

With the Fijians, "human flesh was reserved for the men, being considered too good to be wasted upon the women."¹

In many savage tribes meat is reserved for the men, the women must be content with other food. And in our own day, in the Jubilee Celebrations, the usual village arrangement was—a big meat dinner with beer for all males over sixteen, but only a tea for the women and children.

There is a cartoon in *Punch* (April 25th, 1891) very much to the point:—Husband complaining to cook: "Now cook, just look here! Look at that piece of bacon which I have just given your Mistress. It is the thickest and worst cut I ever saw in my life, and this piece I am just going to take myself is only a little better."

"A favourite narrative in Natal describes how one of Bishop Colenso's priests was in the habit of going out each morning to the Indian stores for three fresh eggs—one for his wife's breakfast and two for himself. One day he returned with a face full of concern.

¹Lubbock, *Pre-historic Times*, ed. iv, 472, 1878.

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“ ‘ What is the matter ? ’ was the anxious inquiry.

“ ‘ Had a little accident ’ was the reply.

“ ‘ I hope you have not hurt yourself ? ’

“ ‘ No, but I have broken one of the eggs, and it’s your egg, my dear ! ’ ”¹

Civilized man would keep to himself luxuries like drink and tobacco. He grumbles if woman enters any of his fields of labour. He has prevented her from sharing the franchise, University degrees, learned professions. Even in the appointments of home the woman’s inferiority is shewn—in a drawing room suite the women’s easy chair is easy only in name ; while in a University town, a library for both sexes shews the provision for women, tables, chairs, and space, all inferior to that for the male students.

The result of woman having had for so long to put up with the inferior, is that, like goats and donkeys, she has actually come to prefer it.

“ ‘ I’ve got yer a lovely steak, pind and a ’arf at least ’ said Mrs. Goad to her drunken spouse.

“ When the steak and onions were ready for eating Mr. Goad was considerate enough

¹ “ Humour in Clerical Life,” Rev. D. Wallace Duthie : *Strand Magazine*, Vol. XXIX, p. 149, February, 1905.

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to invite her to share his meal. She refused. 'I'll 'ave a nice bit of bread and drippin' " she exclaimed brightly, 'I like it better nor meat.' " ¹

If here the preference was partly feigned, it is by no means so in other cases. "I prefer the gristle, it is my tit-bit"; "I love the burnt outside, burnt to a cinder"; "Please give me the knuckle bone"; or "the drumstick," or "the parson's nose"—these are the actual preferences of the speakers.

"I allus know what to give Polly—the last-thing-over-the-fence." ² Or "She eats the burnt bits of beef, and the legs of chickens, and the stale bread." ³ And the wife of Jack Spratt could, it is said, eat no lean. All these are traits inherited from the time when the wife, the trembling thing, stood by, glad to pick up the fag ends rejected by her master. ⁴

¹ *Reynolds'*, October 14th, 1906.

² *David Harum*, ch. xxiii.

³ *Daily Chronicle*, May 1st, 1906. Description of a middle-class woman by "Iota."

⁴ Among domestic fowls the male acts quite differently. "In the breeding-pen the male bird is liable to neglect himself for the sake of his harem. If he stands idly by while his wives eat up all the food, place him by himself in a small pen and feed

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What then has marriage done for woman? Apparently it has destroyed her independence, taken from her the control of her own body, with that instinct of restraint which females of brutes possess, so it has tended to make her profligate. By its manner of selection it has helped, if not caused, her to become inferior physically and mentally to man. Centuries of selection of the least militant, the least self-assertive, and the immature, must produce an inferior type. Such selection is going on now : man generally avoids as a wife the woman who is independent, self-assertive or a blue-stocking. He admires as womanly features, limbs not muscular but well rounded—especially in the hind limbs, carried to excess as steatopygy.¹ him generously each evening, then place him on the roost with his wives. Unless this is done, he will be unable to properly fertilise the eggs” (Joseph Shakespeare, in *Feathered Life*, March 16th, 1910, p. 174). The cock is not truly master ; his hens are not his wives, but his mates ; he has to be a suitor always. When the human male is a suitor, he acts thus : he denies himself, so as to be able to buy chocolates for his lady-love.

¹ Chaucer notes this feature of hind limbs in his description of a young woman—“ a doghter of twenty yeer ”—

“ This wenche, thicke and wel y-grown, was,
With camuse nose and yen greye as glas ;

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He admires signs of physical inferiority, small waists, small hands, small feet—the latter carried to excess in China. And all this would be exactly the result of the constant selection of, and association with the physically imperfect girls or with inferior women.

Centuries of submission to masculine lust have entirely altered woman's nature. Man utters the taunt "that woman is at heart a rake"; but it is in consequence of what he himself has done. He is responsible for the conditions productive of Messalinas.

Centuries of marriage lust have resulted in woman having developed the ability to produce offspring at any time in the year, instead of at one particular season; though, of course, this result would not have been brought about unless man had been able to ensure provision for the offspring so produced.

Centuries of being compelled to live on poor, or the poorer fare, have resulted in

With buttokes brode, and brestes rounde and
hye."—*The Reves Tale*.

And there have been modern fashions which supplemented any unfortunate deficiency by what is called a bustle.

On Steatopygy, see Ploss, *Das Weib*, ed. viii (1905), Vol. I, p. 218.

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woman actually coming to like that fare the better, symptoms of which meet us constantly at the present day. Centuries of dominance by the male have left the wife or woman submissive, yielding, patient, forgiving.¹

In the seventeenth century while the Highlanders were "basking in the sun, angling for salmon or taking aim at grouse . . . their aged mothers, their pregnant wives, their tender daughters, were reaping the scanty harvest of oats. Nor did the women repine at their hard lot."²

In the twentieth century: "In Blackburn and Wigan it is the usual thing for the husband, when he comes home at night, to give his wife a kicking and beating. The women take it as part of the daily round and don't complain."³

"A black eye has often been looked upon as a badge of marriage."⁴

¹ Women are soft, mild, pitiful, and flexible.—
Shakespeare.

² Macaulay, *History of England*, Vol. III, ch. xiii.

³ Solicitor at Blackpool, in defending a man whose wife was granted a separation order.—*Daily Chronicle*, August 23rd, 1906.

⁴ Magistrate at Highgate Police Court.—*Daily Chronicle*, March 23rd, 1909, p. 5, col. 7.

A woman entered the London Hospital with a

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The centuries of dominance have also developed some opposite qualities which need not be dilated on.

Seeing that marriage has done all this for woman, it may be asked : How if there had been no marriage ? There was not that choice. The marriage system—the making of female slaves—everywhere conquered the free-female system. Therefore it was a factor in human success, it won its way because the tribes who adopted it became dominant—that is to say the tribes who were strong enough to steal women surpassed those who were not. The stronger tribes became still stronger, because they were so self-assertive, and so lustful, and because they forced the female captives to breed. When the Marriage Service says that Matrimony “was ordained for the procreation of children,” it states bluntly what is not really a reason but is an important anthropological result.¹ For this forcing to

black eye. “Does your husband often treat you like this ?” said the medico, sympathetically. “Lor, no, Sir ; he’s been more like a pal to me than a husband.”—*Daily Chronicle*.

¹ “At an old folks’ entertainment at St. Philip’s, Bristol, the Vicar offered a prize for the woman present who had had the most children.

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breed is perhaps the most important point in human dominance—outbreeding of compeers being a great factor in racial success. In countries where the feminist movement is most strong there is a very significant decline in the birth rate. The same is true as regards the middle and upper classes, where the feminist sentiment would be stronger than with the lower. What is the consequence? A race in which the male is most dominant will apparently outbreed and conquer any race in which the feminist movement is pronounced.

If, among compeers, a factor in racial supremacy be to outbreed, and if to outbreed it be necessary to keep woman in subjection, then it seems as if the race which does so must in time supplant one that does not.

With the advance of civilization man's self-assertiveness declines and the feminist movement progresses. The excuse for withholding the franchise may be good policy, but it is bad logic—it is that woman makes no great demand for it. But thousands of years of selecting the most submissive can have left few of the assertive type: it is

The prize was won by a Mrs. Cross, with twenty-seven children."—*Daily Chronicle*, Jan. 6th, 1910, p. 1, col. 6.

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much as if one were to rob a man and gag him, and refuse to restore his purse because he did not ask for it.

Will civilisation advance sufficiently ? Taking the line of advance as from the savage to the militant,¹ and from the militant to the intellectual, woman is most subject to the male under the militant regime. Under the savage, though the wife may be treated badly, there may be still some trace of the free-mate respect left ; under the militant regime marriage is supreme, and the wife is usually a thing captured or bought ; under the intellectual system the woman gradually regains some of the old power of the free mate.

The militant regime is constantly destroying the intellectual civilization. Obviously there has been many a high type of intellectual civilization—the Accadians, Babylonians, Egyptians, Greeks, Romans, to name a few. It may be hazarded that each destruction was a set back for woman. Two cases may suffice. The Aspasia of Greece were gradually winning back the old position of the free-mate—more honoured than wives ; but it was all lost when Greece was conquered by a more militant nation. Then Rome in

¹ Highly-organised militarism.

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turn developed the intellectual phase, which is nourished by the spoils of war ; and the Roman women claimed freedom. " When wealth became force the female might be as strong as the male ; therefore she was emancipated. Through easy divorce she came to stand on an equality with man in the marriage contract. She controlled her own property, because she could defend it ; and as she had power she exercised political privileges. In the third century Julia Domna, Julia Mamæa, Saëmias and others sat in the senate, or conducted the administration."¹

" When the Roman matrons became the equal and voluntary companions of their lords a new jurisprudence was introduced, that marriage, like other partnerships, might be dissolved by the abdication of one of the associates . . . Passion, interest, or caprice, suggested daily motives for the dissolution. . . . An inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious progeny to the paternal authority and care of her late husband ; a beautiful virgin might be dismissed to the world, old, indigent,

¹ Brooks Adams, *The Law of Civilization and Decay*, 1895, p. 31.

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and friendless ; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks that the prevailing institutions were least favourable to the males.”¹

The Roman female almost regained the position of a free mate. Justinian’s choice of matrimonial law, says Gibbon, was “directed by the earthly motives of justice, policy and the natural freedom of both sexes.”

Good as this might do for females, it pleased the males not all. They abstained from marriage with Roman women, but entered into permissible concubinage with female slaves, shewing the instinct of the male for a partner whom he could rule.²

Whatever benefit the Roman women obtained as free mates, holders of property

¹ Gibbon, *Decline and Fall*, ch. xlv.

² To the same law come those marriages with maids of low degree—with Griselda, or the Blind Beggar’s daughter of Bednal Green ; and the same phenomenon is expressed to-day :—

“ [To an isle in the Southern Seas]
. . . I’ll go—a lorn and lonely wight who,
Grown tired of wooing Phyllises, may rest
Content to know some coloured beads would
buy two—

Two of the very best.”

Punch, Jan. 26th, 1910, p. 71.

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and legislators was lost in the turbulent military periods which saw the break up of the Roman empire and the rise of Christianity. Woman, perhaps, fell more completely than ever before into the power of the male. The Dark Ages were the times of the brank, the ducking stool, the ceinture of chastity, and the burning of witches. Woman was despised. She was the gate of Hell, according to Tertullian, the agent of the devil let loose among men for their destruction, according to general opinion.¹ She was a thing to be shunned; and aught concerned with sex was a deadly sin: it was virginity that peopled paradise, and therefore by implication the opposite populated hell. The idea of the wrongfulness of sex prevails very largely now—is increasing perhaps:² its plea is

¹ Mona Caird, *Morality of Marriage*, p. 73.

² The head-mistress of an important Ladies' College consulted a clergyman as to whether botany ought to be taught in her school, because, she said, it would necessitate the mention of male and female organs.

Note, too, the agitations against portrayal of the nude. And, in a recent prosecution about nude photographs, the Government advocate put forward the proposition that any picture of a nude woman was, necessarily, indecent.

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the good of woman ;¹ its effect to suppress her and so keep her subservient, to make her ignorant and so keep her timid ; it places in man's hands a whip to lash her. Spite of all she is gaining somewhat the independent position that she held in Imperial Rome.

However, a swift reaction against her independence seems possible once more. The feminist movement may be advancing ; but so is the race for building Dreadnoughts, and the cry for militarism. It is significant that the military spirit, the great foe of woman, should be increasing as fast or faster than the feminist movement.

¹ Knowledge is indecent : woman should be kept in ignorance. An education examiner, speaking at a school prize-giving ceremony, said that physiology could not, and should not, be taught to girls, for obvious reasons. And the maturer woman must know nothing more than the girl ; literature not suitable for the school-room Miss must not be allowed to circulate, say the Libraries. So, too, the police prosecute at Bow Street the publisher of a cheap edition of Balzac's *Droll Stories*. It is too cheap : from it the multitude could learn of females who dared to be free mates. This would never do. Woman must not know the world—at any rate, till she is safely bound in marriage, or, according to *M.A.P.*, has been trapped as a white slave.

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Now one factor for successful militarism is a prolific population. Large armies are a necessity. If then the feminist movement ever gains for woman in England as much as it has gained for her in New Zealand, it seems that such triumph must be temporary, if accompanied by a falling birth rate.¹

General agreement to limit births would be more difficult than to limit armaments, and might produce results different from what were expected. It is said, however, that better quality of few births will compensate for less quantity. But breeding-ability and feeding-ability have to be considered: the better quality may be too expensive a

¹ "If [man] is to advance still higher, it is to be feared that he must remain subject to a severe struggle. Otherwise he would sink into indolence. . . . Hence our natural rate of increase, though leading to many and obvious evils, must not be greatly diminished by any means." — Darwin, *Descent of Man*, ch. xxi, near the end. The attempt to limit births really means that it has become easier to balance receipts and expenses by reducing expenditure than by striving to increase income: it is a sign of arrested progress. As the death-rate declines, so does the birth-rate. *Mors jauna vitæ* means to a congested population that births must await deaths; that the more the deaths are delayed, the less room there is for children. A sparsely-populated country may be "congested" through land-monopoly or bad law.

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machine in food ; it may be too good for the work required : an army cannot be all composed of Colonels, nor a business worked by all employees with brains enough for general managers—there must be privates and mechanics ; and then, other things being equal—of two nations producing the better quality, the one which produced the most of better quality and fed it cheapest should in the end become dominant. So the phrase “ the hand that rocks the cradle rules the world ” may be capable of a much wider meaning than is usually associated with it. Instead of signifying that woman rules as mother by the love engendered through her care of offspring, it would mean that woman rules as being the producer of offspring ; that, among compeers, that nation will be supreme whose women have the most cradles to rock.

But if woman is to be a highly developed breeding machine, she must occupy an inferior position, being economically dependent on the male. Is that where man wants to keep her ? “ With loud voice and with one accord the reformers proclaimed that a woman’s main duty and privilege was to bear children without limit ; that death and suffering were not to be considered for

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a moment in the performance of this duty ; that for this end she had been created, and for this end . . she must live and die. Even the gentle Melancthon, on this subject says as follows :—‘ If a woman becomes weary of bearing children, that matters not : let her die from bearing, she is there to do it.’ ”¹

The nations, be it noted, which most fully absorbed the teaching of the Reformation are those which are dominant in the world to-day ; they have populated the largest areas of the globe by displacing the original inhabitants.

Two of the factors of human success being breeding-ability and feeding-ability, the displacement of original inhabitants from their lands is one of the easiest methods of accomplishing the latter.² And marriage,

¹ Mona Caird, *Morality of Marriage*, p. 85.

² Feeding-ability may not mean ability to cultivate, but ability to appropriate—to make original inhabitants cultivate for conquerors. And there may be ability to appropriate in other ways. In 1656, General Montague was able to report to Cromwell that his “ hart (was) very much warmed with the apprehension of the singular providence of God,” who had permitted Stayner to meet “ with the Kinge of Spain’s West India fleete,” and take, among other prizes, “ a galleon reported to have in her two million pieces of plate.”—Brooks Adams, *Civilization and Decay*, p. 248.

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ensuring a servitude of woman, seems to be the best method of fulfilling the former.

It is now being proposed that women shall be paid for motherhood—the endowment of motherhood. That principle is already recognized among nations famed for keeping woman in subjection. “Among the Mahommedans, the maintenance of the children devolves so exclusively on the father, that the mother is even entitled to claim wages for nursing them.”¹ However it has to be remembered that “he who pays the piper expects to call the tune”; so that if woman is to be a paid breeding machine the male who pays will therefore claim a right to dictate to her as to how much or how little she breeds, to divorce her for not being able to breed, and so on.²

To understand what this might mean to woman it is necessary to consider how the male is inclined to exploit her now.

¹ *Westermarck*, op. cit., 17. It might be urged that the wife is paid now in European communities by board and lodging, and that in the condition of the market she receives just what she can command in competition. That does not say but what the market may be artificially rigged against her.

² “Who are you, to give orders here? . . . You were here to have children, and you have not had any.”—Lord Steyne to Lady Gaunt—Thackeray—*Vanity Fair*, ch. xv.

CHAPTER VIII

CHEAPENING THE FEMALE

Ba'al marriage once introduced tended steadily to lower the position of woman.—Robertson Smith.

In trewe wedlok wedded be we tweye,
And blessed be the yok that we been inne,
For in our actes we mowe do no sinne.
A man may do no sinne with his wyf,
Ne hurte him-selven with his owene knyf;
For we han leve to pleye us by the lawe.

Chaucer, *The Merchant's Tale*.

Many man weneth that he may nat sinne, for no likerousnesse that he doth with his wyf: certes, that opinion is fals.—Chaucer, *The Persones Tale*, § 76.

Fornicacioun betwixe man and womman that been nat married; this is deedly sinne and agayns nature.—Chaucer, *The Persones Tale*, § 76.

A religious rite or a legal form is, for a woman, to mark the whole difference between irredeemable sin and absolute duty.—Mona Caird, *Morality of Marriage*, 1897, 87.

VIII

THERE may be considered now some later stages of exploitation of the female by the male through the medium of the ba'al marriage—the marriage of dominion,—the stages when the marriage is an established institution and the pre-eminence of wives among women is assured. As allies the males have the wives, as allies in female subjugation.¹ For the wives are those who have been successful in gaining a supporting male ; and they have daughters for whom they require to find supporting males. They are foes to any women who would grant prenuptial indulgence, for they regard such as non-unionists working below trades-union rates,² a remark that is attributed

¹ “ The greatest tyrants over women are women.”—Thackeray, *Vanity Fair*, II, ch. xv.

² There is this to be observed : the greater the hostility and the more restrictive the legislation and police, the greater becomes the difference between what the buyer pays and the seller obtains ultimately, because so much of the seller's takings has to be paid as expenses in blackmail, or bribes and compensation for risk. It is hoped that the seller may be driven off the market by the poor returns, and the buyer may be forced to adopt other expedients by the little advantage which the casual traffic yields for the ever-increasing

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expense and other inconveniences. That he adopt marriage is the result desired, but not necessarily achieved.

Here is an example of one kind of pressure brought to bear :—

“ Mr. Hewart (to witness) : ‘ How many illegitimate children have you ? ’

“ Witness : ‘ Am I bound to answer that ? ’

“ Counsel : ‘ I think you are. ’

“ Mr. Mellor : ‘ Surely, this is irrelevant ? ’

“ Mr. Hewart : ‘ The character of the witness is a very important ingredient in this case. ’

“ Witness : ‘ I am not afraid to answer the question. I have one. ’ ”

Reynolds's Newspaper, Jan. 9th, 1910,
p. 3, col. 1, in case of Vicar of
Stainmore, Westmoreland.

Mutatis mutandis, what Buckle has to say regarding legislation on the traffic in money seems to apply exactly to the legislation about the commerce of the sexes.

“ Nearly every country has taken steps to prevent usury, and keep down the interest of money ; and the invariable effect has been to increase usury, and raise the interest of money. For, since no prohibition, however stringent, can destroy the natural relation between demand and supply, it has followed, that when some men want to borrow, and other men want to lend, both parties are sure to find means of evading a law which interferes with their mutual rights. If the two parties were left to adjust their own bargain undisturbed, the usury would depend on the circumstances of the loan ; such as the amount of security and the

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to a celebrated public man. Having laid down this rule for any would-be free females¹ they must certainly uphold it as guidance

chance of repayment. But this natural arrangement has been complicated by the interference of government. A certain risk being always incurred by those who disobey the law, the usurer, very properly, refuses to lend his money unless he is also compensated for the danger he is in from the penalty hanging over him. This compensation can only be made by the borrower, who is thus obliged to pay what, in reality, is a double interest: one interest for the natural risk on the loan, and another interest for the extra risk from the law. Such, then, is the position in which every European legislature has placed itself. By enactments against usury it has increased what it wished to destroy; it has passed laws which the imperative necessities of men compel them to violate."—*History of Civilization*, ed. J. M. Robertson, 1904, 160.

¹ "The virtuous woman stands in close ranks with her sisters, refusing to part with herself—her only economic goods—until she is assured of legal marriage, with its lifelong guarantee of support. . . . The vicious woman offers the same goods . . . for a far less price. Every one of such illegitimate competitors lowers the chances of the unmarried woman and the income of the married. No wonder those who hold themselves highly should be moved to bitterness at being undersold in this way. It is the hatred of the trade-unionist for 'scab labor.'"—Charlotte Perkins Gilman, *Women and Economics*, 1908, 109.

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for the conduct of daughters. Then man takes advantage of it. He demands that his bride shall come to her first wedding sexually untouched,¹ but if he really set much store thereby he would never marry a widow or a divorced woman or a discarded mistress.² There is the custom—the result of many factors. Man conforms to it; it becomes in his hands, without his knowing it perhaps, a very effective weapon to his purpose. That purpose is to buy a wife as

Underselling of this kind excited the wrath of the prophet Ezekiel : he is particularly angry with the daughters of Jerusalem, because they undersold not only the wives, but even the non-unionists : he denounces them because, when they surrendered themselves, they did not take the usual reward (Ezekiel xvi, 28—34); for such actions they shall be punished by being slaughtered with barbarity (35—41).

¹ He (the Duke) had his Mrs. Arncliffe, his Mrs. Granbys ; but it is imperative that she (his bride) must be pure.—See *Vivien* : W. B. Maxwell.

² Before the passing of the Education Act, when a child could begin to earn a trifle at seven years old, a woman who had a child before marriage was almost preferred to a virgin in marriage among agricultural labourers. Then it used to be said to a man with a large family : “ Stock’s as good as money, yer know ”—which it was.

The economic factor is the determinative as to praise or blame in other cases. “ Until a girl was

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cheaply as he can.¹ The buying process may be decorously hidden beneath love and sentiment. Perhaps! A man has a sentimental fancy for a bit of old china or a picture, and pays accordingly; but it's buying, spite of all the sentiment, and the price he pays is governed by the market value, as that value is governed by supply and demand. Artificially restrict the market in which the picture may be offered, limit its market to one country instead of the world, and immediately its value is decreased. That principle is seen well enough in the restrictive suggestions made concerning the Holbein picture—avowedly for the purpose

married, she was practically free to form what connections she desired. . . . It was considered no disgrace if she bore children, and it would not operate in any way to prevent her getting married. Indeed, a child acted in the other way if she wanted to marry into another *hoag*, as it proved her fertility."—J. S. Gardiner, *Natives of Rotuma*; *Journ. Anthropol.*, XXVII, 1898, 477.

¹ The consideration for the purchase is stated in the Marriage Service as all the husband's goods: "With all my worldly goods I thee endow"; but most husbands take care only to give legal actuality to this when they wish to evade creditors. If the woman is in a position to demand her price, she insists on a marriage settlement beforehand

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of reducing the price of similar works.¹ Thus the selling value of the female is depreciated by any acts restricting her market: she is not free to sell except she sell herself permanently to a man to be called her husband.² She is denied the right to make what bargain may suit her best, she is denied any indulgence of a strong, or what should be a strong instinct—that of maternity—unless she binds herself permanently by certain formulæ to a male; she may not make a contract after the pattern

¹ “ If we had such a law as that in Italy (prohibiting export), the price of the Holbein picture would not be nearly so high, because the market would be restricted, as it should be, to the nation ” —A.H.V., in *Daily Chronicle*, May 11th, 1909, p. 1, col. 7.

² The Chairman of a Bench of Magistrates of a West Country borough, ex-Mayor of that borough, and holder of an important Government post, was consulted when on the Bench by a woman in trouble about a husband out of work, and unable to keep her. He remarked how necessary it was that women, when they married, should not only see that their husbands could keep them then, but that they were likely to be able to do so in the future—that is to say, that, as the bargain is for a term of years, the seller is advised to look not only to the present, but also to the future possible solvency of the buyer—hard even for an acute commercial firm to accomplish.

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of the mot'a or sighe marriage : ¹ the courts would set it aside as being contrary to morality, which really means that it is contrary to man's interest. If she had the power to earn her own economic independence in her own way, and to make a bargain as to her sexual accommodation as well—a bargain that law would support instead of condemn, which is all the difference,—she should be in a better position to deal with both parties—the employer of her labour and the aspirant for her favours ; she should be able to play off the one against the other,—when the wages given to her by the former were too low she might offer her services in the other market. She does this now to a certain extent, according to the statements of the Rev. R. J. Campbell ; but the fact that the latter bargain is not recognised by law,² and that

¹ The remarks apply principally to this country. In America the woman is obtaining something of this power by means of the facilities for divorce ; but there the late President had to call attention to race-suicide. In England the late George Meredith suggested leasehold marriage for ten years.

² If such contracts were enforceable, male interests would suffer greatly—an immense amount of money would pass from rich men into the hands of women, making, perhaps, a more equable distribution of wealth. An example of how much

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the entering into it makes her a pariah and carries other disadvantages, handicaps her too considerably, and drives her to accept the low wages of the employer of labour.

The punishment for any infraction of prenuptial chastity is so severe, as it need be to effect its purpose, that a woman is often driven to murder her child and herself to escape it. If the child live, the punishment might pass is seen in the case of the Baroness Vaughan ; and here is another instance :—

A curious ' free love ' contract came before the Paris Courts :

" Mlle. de Nuce, better known as ' La Belle Chiquita,' was claiming the sum of £25,720 and a pension of £960 a year from her ex-lover, a wealthy Paris manufacturer, known as Julien, who recently abandoned her with debts to the value of £5,720. The woman's advocate produced in Court an unsigned agreement drawn up between the parties to which both were said to have consented. In this ' La Belle Chiquita ' agreed to become the ' affectionate, kind, and faithful friend of M. Julien,' if the latter consented to pay her debts and give her £80 a month.

" Clause No. 2 declared that ' La Belle Chiquita ' was entitled to leave her friend in case she found amongst her other numerous admirers one who would give her a handsomer return. Either party wishing to terminate the agreement was bound to give the other a fortnight's notice, in writing."—*Daily Chronicle*, Jan. 8th, 1910, p. 1, col. 7.

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follows it throughout life in many forms.¹

A wise legislature (masculine) has carefully ordained that, "for her moral good," woman is not to be allowed to escape from the capitalist employer except by way of marriage. That means a permanent surrender, or nearly so, of her ability to become economically independent, so as to be in a position in case of disagreement to bargain on equal terms with her husband. He then becomes her supporter in life; she, in too many cases, is wholly dependent on him, and he is in a position to assert his marital claims as her owner instead of having to plead for her favours as a lover.

Not only is there the restriction of woman's possible market in the sexual direction, there is a growing tendency to restrict the sphere of her labours otherwise—more than compensating for any opening of certain spheres which the educated woman has achieved for herself.² Any such

¹ The 1909 Budget regulations proposed that the rebate of £10 per child should not apply to an illegitimate offspring. Everything was so rightly and carefully considered to punish the woman who ventures to become a mother without becoming bound to a man.

² "A special general meeting of the Edinburgh branch of the Scottish Typographical Association

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restriction of market keeps down the price of woman's labour.

The feature of trading in the Congo is to make the natives sell nowhere but in the buyer's own market, at prices which are fixed by the buyer himself. These Congolese methods of restricting markets so as to depreciate price are what man is willing to apply to woman.

Not so many years ago there was an agitation, of course in the moral interest of the woman herself, about the chain-makers of Cradley Heath—that their hours of work were excessive, their rate of wages small, and their labour degrading to womanhood. There was much truth in these statements, but the remedy proposed—the prohibition (says *The Printers' Register* of December 6th, 1909) was held recently, to consider the following resolution :—' That, from January 1st, 1910, there shall be no further introduction of females into our trade in Edinburgh, nor any importation of female compositors from other centres, and that in future machine composition be solely undertaken by male union labour.' After debate and consideration, the memorial was sent on to the E.C. The re-opening of the office of Messrs. Wood and Son, Perth, has been brought about by the Scottish Typographical Association, and *the female compositor has been eliminated from that town.*"—*Votes for Women*, Dec. 24th, 1909, p. 194, col. 1.

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of the labour—would only have cured a symptom, not have touched the disease itself: it would have made these women economically destitute and have forced them almost to make sexual sale of themselves to the first bidders, either as wives, or as something else: at any rate they would have been more in the power of the males. The agitation was not successful.

More recently there was an agitation for the abolition of barmaids, because of the “moral” dangers of the profession. This agitation seems likely to be successful; and can only result either in swamping other women’s fields of labour, or in driving women to sexual sale. The abolition has been accomplished in New Zealand, but then that is a very under-populated country, without an excess of females.

Quite recently there has been another pronouncement—backed by a Cabinet Minister—that married women should not be allowed to work.¹ Here is an expression

¹ “ ‘What will you do’ [a Lancashire mill-woman was asked] ‘if Mr. John Burns carries out his scheme?’ ‘Eh,’ said the woman, ‘if he does that, I suppose we’ll have to clem’ (starve) . . . It is proposed that married women [well-paid textile workers] be compelled to stay at home. . . . What they think about it may be

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of the antagonism of the unmarried against the married, with the unmarried the aggressors this time;¹ it is taken up by a man genuinely actuated no doubt by motives for the protection of woman and of children. But if woman is to be independent she must not allow herself to be under man's protection. The object of the agitation is to create more situations for unmarried women by removing the married from them—a robbing of Peter to pay Paul. The other object is to allow a wife to become a more efficient breeding and nursing machine. From the point of view of the race the second object is laudable enough; but it is much like the proverb dinned into children's ears—"the early bird catches the worm," which takes no account of the worm's feelings. It is the feature of human progress—woman has to be sacrificed for the good of the race.

This proposal to restrict or abolish married woman's labour could only result in placing woman in a worse economic position inferred from the fact that the threat of interference with the right to work has given us 96,000 Suffragists."—*Votes for Women*, Dec. 24th, 1909, p. 196, col. 1.

¹ In some proposals for the enfranchisement of females it is suggested that married women shall not have the vote.

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position. It says to her on the one hand, if you labour you must not be a mother, and on the other hand, if you become a mother you must not labour. It means that a woman who has become skilful in a profession must, as soon as she marries, drop that profession, lose her skill, become dependent on her husband, and if anything happens, if he turns out to be lazy and drunken she cannot say to him: "I am earning my living—reform or take yourself off." Quite satisfactory from the man's point of view.

The proposal would not hinder artists, authors and women who were home-workers from earning their living when married. It is aimed at those who take situations—teachers and clerks and factory workers. And it is urged especially in regard to the first, that the signs of approaching motherhood should not be seen by children. Curious is this attitude about the processes of nature for what is supposed to be the supreme joy of motherhood ! Statesmen talk vainly about race-suicide when signs of race-addition are made objects for derision, or excuse for taking away a livelihood—when even a married woman is made to be ashamed that she shews the signs of becoming a mother, the vocation for which the law has licensed

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her. How different it was once. Rachel said : " Give me children or else I die."

On the other hand woman is not at all indisposed to second the efforts of those who would prohibit married woman's labour. Often she is not ambitious to be economically independent, and she is willing to earn her board and lodging with as little effort as possible. Marriage is regarded as a haven of rest, and the permanency of the situation with the male doing the bread-winning appeals.

Miss Mabel Herbert Urner writes :—
" I firmly believe that ninety-nine per cent. of the unmarried women past thirty would marry any decent, kindly man that would ask them."¹

This is the cry of a Colonial maiden :—

Now I must look out for a new billet.
Oh ! how I wish I could attract the notice of some rich squatter and end all my troubles in marriage."

But the home maid says much the same.
In a breach of promise case this is the view

¹ *The Star*, June 23rd, 1909, p. 1, col. 1.
" Any, good Lord, before none," the spinster said, when she thought her matutinal prayer for a husband was at last answered.—Cheshire proverb ; R. Holland, *Cheshire Gloss.* (Eng. Dial. Soc., 1886), p. 444.

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presented : " Counsel concluded by pointing out that Miss W——— had been looking forward to matrimony as an escape from a life of hard work. These aspirations had been disappointed and she was now earning her livelihood again — in a dressmaking establishment."¹ The Jury awarded £200 compensation.

Perhaps she shewed too plainly her desire to escape work. At any rate, man looks at his side of the bargain, and it is often for him an economic necessity to procure "a good hard-working little wife"—man likes a little wife as has been noted before.

" 'Is marriage a success? I should say so,' remarked a farmer. 'Why, there's my Hetty, gits up in the morning, milks six cows, gits breakfast, starts four children to school, looks after the other three, feeds the hens, likewise the pigs, and some orphin lambs, skims twenty pans of milk, washes the cloes, cooks the dinner, et cetera, et cetera. Think I could hire anybody to do it for what she gits? Not much. Marriage is a success, sir, a very great success. I've tried both and I know.'"—A stray newspaper cutting—American evidently.

Another proposal—one put forward in

¹ *Daily Chronicle*, Oct. 31st, 1908, p. 5, col. 3.

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the interests of what is called Eugenics—shews that the principle of sacrificing one part of a race for the good of the rest is not to stop at the female portion. This is to be applied to males too. By a surgical operation all the weakly members of the community, male and female, are to be rendered sterile, in the interest of Eugenics.¹ That is to say that the progressive individualist class having to a considerable extent captured the means

¹ This is the revival of quite an old remedy, or punishment. According to a law of Alfred : “ Si quis nuptam stuprarit, virga virilis ei præciditur ; si mulier, nasus et auricula præcidatur.” —Burton, *Anat. Melancholy*—Democritus to the reader.

In Scotland, “ before the time of Malcolm Canmore, a man who had ‘ sic infirmitie as succedis by heritage fra the fader to the son was geldit. The woman that was fallin lipper was banist fra the cumpany of men, and gif scho consavit barne under sic infirmitie, baith scho and hir barne war buryit quik.’ ” Thus “ Maister Hector Boece, Channon of Aberdene.”—M. W. Colchester-Wemyss, *Proc. Cotteswold Field Club*, 1900, XIII, 163. Burton (*Anat. Mel.*, I, ii, 1, 6) quotes similarly from the same authority.

An edict of Henry II declared that if any individual did carry to England “ letters of interdict from the Pope or Archbishop, he should be punished . . . by the loss of eyes and by castration, if a secular clergyman.”—Wemyss, as above, p. 164.

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of production, enslaved the workers, placed them in such condition of life that they cannot develop properly, now propose, by the help of science, to finish the business, so that there be fewer useless mouths to feed.¹ "First lame the horse and then shoot him because he cannot gallop!"—that is the process. It would be more merciful to shoot him first, but it would look bad and one might miss. The late Mr. Shandy, a gentleman of compassionate temperament, said to Dr. Slop, "When your possibility has taken place at the hip,—you may as well take off the head too!"² He knew Eugenius, but though he had never heard of Eugenics he seems to have gauged their effects well.

¹ Here is a similar case :—"Mr. A. E. Spender, the Mayor of Plymouth, has made the startling suggestion that the insane should be exterminated by means of the lethal chamber," to save waste of millions on buildings and maintenance, which could be better spent "on maternity institutions and creches."—*Daily Chronicle*, Nov. 8th, 1909, p. 5, col. 5.

For a like reason, "In 1537 . . . Parliament tried the experiment of killing off the unemployed ; . . . vagrants were first mutilated, and then hanged as felons—27 Henry VIII, c. 25."—Brooks Adams, *Civilization and Decay*, 1895, 202.

² *Tristram Shandy*, ch. lxi.

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There are two factors necessary for the independence of woman—one that she should have the greatest freedom in earning her own living, so that she may be economically her own mistress, and the other that she have the full control of her own body, to do as she please, so that the epithet “fallen woman” may never be thrown at any of her sex, because it would have no meaning.¹ So long as the epithet can be used, so long as there can be a distinction made between honest and other women, so long will man have a weapon by which to restrict woman’s powers of earning, and to fetter her liberty by making regulations that she may not enter restaurants unattended,² may not be in certain streets after certain hours without being liable to arrest, may not gain her living in employment like that of a barmaid, may not do this or that.

¹ She would feel no more shame than does a newly-wedded wife. “In itself, and simply taken,—like hunger, or thirst, or sleep,—’tis an affair neither good nor bad,—nor shameful, nor otherwise.”—*Tristram Shandy*, last chapter. She would, therefore, not be a subject for contumely, would not fear blackmail, and all that it entails.

² A case tried in the New York Law Courts lately.—*The Star*, Feb. 6th, 1908, p. 3, col. 6.

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There are two methods by which woman might be given control of her own body. Neither of them is the least likely of accomplishment because they would put too much power into the hands of woman, would be too detrimental to the interests of man and to the advancement of the race ; but still it may be interesting to consider them.

One is the abolition of marriage, doing away with what is at present the privileged female class—the wives. This is only possible where woman can earn an independence, so that she should be able to keep herself and be able to meet man on approximately equal terms. And a slackening, as it may be called, of the conditions of marriage, in facilities for divorce, does take place in an advanced civilization, as has been already noted. The abolition of marriage has only been practised by or advocated for the case of women who are able to earn an independence or are independent. A celebrated novelist was the woman who dared, while the “ Woman who Did ” was independent. And the women who have been and are most able to set conventions at defiance, were and are celebrated actresses,¹ able to earn their living without

¹ Painters, too—say Artists in all senses.

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man's help. A trace of this may be seen—that even now actresses are somewhat in the position of the free mates, retaining their maiden names after marriage. The celebrated Miss S. was accompanied by her husband, Mr. A.—the newspapers announce.

But when a celebrated actress does consent to change her maiden name, it is for a good price, perhaps with a coronet attached to it. Being economically independent, she can bargain on equal terms.

The other plan would be to extend the boundaries of marriage, and by a stroke of the pen abolish the “social evil.”

Mr. Tristram Shandy, of famous memory, suggested a ceremony of anticipatory baptism, to be carried out immediately after the ceremony of marriage, whereby all possible children might be baptized and so escape damnation even if they died from accidents of or before birth.¹ Just in the same way there might be proposed a ceremony of anticipatory marriage, to be performed on each and every male and female at a given age, allowing them the right at any future time to pair, but such pairing would be *ipso facto* the completion of the marriage.²

¹ *Life of Tristram Shandy*, ch. xx.

² This is not exactly a novel proposal. The

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There could then be no "betrayal" of any girl, no demand made on the male to make her an honest woman; she would be a perfectly honest woman, by virtue of the anticipatory ceremony; the fact of the pairing would be the concluding ceremony making them husband and wife,¹ and there would be no illegitimate children.² Then

Mosaic law says: "If a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife."—Exodus xxii, 16. Here marriage must follow the pairing, almost the same as that the pairing itself constitutes a marriage. Pregnancy as a cause for marriage with the author of it prevails as a custom in Central Africa, Burma, Borneo, Tahiti, and many places (*Westermarck*, ed. ii, p. 23); and it is almost a settled custom among the mining and agricultural populations of England.—See the case of *Jude, the Obscure*, by Hardy, and, similarly, *The Manxman*, by Hall Caine, *Rubina*, by James Blyth. Pregnancy, as giving an unacknowledged wife a special claim on her husband, even if it be obtained by a ruse, is the subject of Boccaccio's ninth novel of the third Day, and of Shakespeare's *Measure for Measure*.

¹ Much trouble would be avoided if she followed the example of Tamar with Judah, and obtained a recognizable token beforehand.

² Celebrated men have been born from what the good Erasmus calls "a stolen bout." There was Erasmus himself; William Hunt, *alias* Huntington, the Calvinist preacher and writer; Filippino Lippi, a more renowned painter than his father,

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society would not have on its conscience that by its regulations it had driven a betrayed, possibly sexually-ignorant woman, to murder or suicide, or both.

From the man's point of view the scheme is quite impracticable ; there is no need to point out how great a power it would put into the hands of woman ; how wary a man would have to be, if his chance mate could become a wife that he had to maintain. Nor is it needful to say how the woman might hunt the man, pursuing him like Ruth did Boaz.

Filippo ; Pizarro, the conqueror of Peru ; William of Normandy, conqueror of England ; Marshall Saxe ; James, Duke of Monmouth ; and many English Dukes not renowned, except for the accident of their births.

Further, old legends relate that nearly all celebrated heroes and heroines, with very many gods and goddesses, were the offspring of casual unions—that is, were children of free-mates, not of wives ; or if of wives, not by their husbands. And when it was more honourable to be the child of a free-mate than of a wife, a free-mate origin for gods and heroes would be naturally related : though that is not the true genesis of such tales.

It is interesting that in English the child of a free-mate is " a love-child : " by implication, that of a wife is not. This agrees with what has been said in this treatise about the position of captured wives.

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That the scheme would abolish at once all the sin of illicit union may be proved by the analogy of history. Not so very long ago there were two classes who imported goods into this country—the traders who did so in the legal manner, and the smugglers who did so in an illicit way. Directly the privileges of the traders were with few exceptions removed, directly equal opportunities were given to all to import goods in their own way, the smugglers became honest traders, a purely artificial crime was abolished.¹ Just so would all illicit sexual

Mr. Bailey-Kempling, in a review in the *Daily Chronicle*, makes allusion to Wale's *Index to Illustrious Bastards*, a work, however, not to be found in the British Museum or Bodleian Library catalogues. In kind reply to a query he suggests that it is a work known only by name, adding that it is mentioned in the preface to Horace Walpole's *Catalogue of Royal and Noble Authors*, but without the name of Wale.

There is a considerable list of illustrious bastards, however, in Burton (*Anat. Melancholy*, II, iii, 2), and he quotes Scaliger (*Exercit.* 265), "that most great men were born in obscurity and of unchaste mothers." This recalls the country saying "that the bravest soldiers in the British Army [of the Peninsular ?] were by-blows."

¹ "The innumerable crimes arising from this [smuggling] are directly chargeable upon the

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trading vanish if all or nearly all restrictions upon it were removed by an anticipatory ceremony. It is quite easy to abolish a sin if there be really a desire to do so—especially

European Governments by whom they are provoked. The offences were caused by the laws; and now that the laws are repealed, the offences have disappeared. But it will hardly be pretended that the interests of civilization have been advanced by such a policy as this. It will hardly be pretended that we owe much to a system which, having called into existence a new class of criminals, at length retraces its steps, and, though it thus puts an end to the crime, only destroys what its own acts had created."—H. T. Buckle, *Hist. Civilization*, ed. J. M. Robertson, 1904, 158.

Just so, the white slave traffic is directly chargeable to and is stimulated by the efforts of society to make wives a highly-protected class. For, as is usual with Protection, the price of the protected commodity tends to rise, or expensive restrictions are placed upon its use. This immediately offers opportunity to smugglers to start their trade, tempted by the profits which are ever increasing, as a higher and higher tariff wall is raised around the protected goods, checking the demand on the part of those who require the goods and yet cannot afford the price or the conditions. Lady McLaren's Women's Charter, which seeks further to penalize husbands, will only raise the tariff wall and increase the profits of the white slave smugglers: to cope with them the public will have to pay further for inspectors, police, and so forth.

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when the sin is established only by an artificial distinction, which makes the same act sinful if done before, but perfectly right however much it is done after a certain permissive ceremony. It is quite easy—time the permissive ceremony so that it precede the act.

How much would be lost though ! The Vigilance Societies would have nothing to vigilate : the person who delights to wield the whip to “haud the wretch in order” would find his whip was gone : the married woman could not hold up her wedding ring before the betrayed girl and talk of honesty : the mother could not taunt her neighbour—“My daughter did not slip on her way to the marriage market”¹: or the sister say “Jenny had tript in her time”²: in fact, all classes of traders would be put on an equal footing as regards trading³—all would be fully licensed by a perfectly simple expedient—an anticipatory ceremony. And yet marriage would be preserved among us !

¹ Allen Raine, *Torn Sails*.

² Tennyson, *The Grandmother*, vii, 2.

³ “Every people is not so happy as the Nukahivans, among whom, according to Lisiansky, no such thing as illegitimacy is known.”—Westermarck, *Marriage*, 1894, ed. ii, 429.

CHAPTER IX

MARRIAGE & JUSTICE

Just are the ways of God,
And justifiable to men.

MILTON, *Agonistes*.

O thou, wha in the heavens dost dwell,
Wha, as it pleases best thyself,
Sends ane to heaven and ten to hell,

A' for thy glory,
And no for ony guid or ill

They've done afore thee !

Burns, *Holy Willie's Prayer*.

The rain it falls impartially

Upon the just and unjust fella ;

But mostly wets the just, they say,

'Cos th' unjust's got the just's umbrella.

Popular Tag.

Justice forbids us doing wrong to anyone ;
and requires us to repair the wrongs we have done
to others.—CRABB.

IX

MARRIAGE would be preserved among us ! It is marriage that has made human progress ; it is marriage that makes a race strong ! The idea that what is for the good of the individual is for the good of the community cannot be sustained : the individual must often be sacrificed for the prosperity of the community ; and woman is sacrificed for the good of the race. The test of whether the institution of marriage is good or bad is not whether it is just to woman or no ; but whether it be all round the most efficient population producer.

Marriage cannot be called an ethical institution : a contract making one party inferior cannot be regarded as ethical. And it certainly had not an ethical beginning. Matthew Arnold's idea that marriage was instituted " by man putting a bridle on his appetite " is impossible of acceptance. Just the opposite is the fact—marriage, as Bernard Shaw says, is popular (with man when he can afford it) because it combines the maximum of temptation and the maximum of opportunity, with, one may add, a minimum of trouble.

Matthew Arnold's idea that marriage

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was instituted to bring into human life greater order, greater well doing and happiness" is wholly contrary to the data of zoology, of anthropology, and even of philology: it should be sufficient to whisper to him the word "wife." The brutes without marriage can regulate their family affairs, often shew sexual restraint for eleven months of a year, and do not make their females slaves. Man, with and by marriage, made his females into slaves who must tolerate his lust. Milder treatment of wives came not through marriage but in spite of marriage, as the true mating instinct—that of monauto-nomixy—began to reassert itself under civilization. Yet to the enslaving of his females man largely owes his success, though that is so contrary to the accepted dicta about slavery. But the ability to make others work, and to profit by their work, is a factor in all human success: it matters not whether the workers be called slaves, or servants, or labourers—there is little real distinction.

Man was thus able to make woman his slave because having little jealousy he was willing to combine for sexual raids; yet these raids would have been useless but for the physiological fact that he was able to

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rape, which to quadrupeds is impossible. And so the ability to rape is based primarily on the abandonment of the quadrupedal in favour of the bipedal attitude in Homo.¹

¹ The advantage, for sexuality, of the bipedal gait lies mainly in the development of the front limbs as prehensile structures by which the female can be held. It is not a little remarkable that, among certain small Crustacea, whose males have developed handlike structures for the holding of the female, conditions similar to those of human marriage seem to have been produced, apparently even to a great incontinency of the female to satisfy male persecution. The females of some species of *Melita* are "distinguished from all other Amphipoda by the circumstance that in them a peculiar apparatus is developed which facilitates their being held by the male. The coxal lamellæ of the penultimate pair of feet are produced into hooklike processes, of which the male lays hold with the hands of the first pair of feet. The two species in which I am acquainted with this structure are amongst the most salacious animals of their order; even females which are laden with eggs in all stages of development not unfrequently have their males upon their backs."—Fritz Müller, *Facts for Darwin*, trans. W. S. Dallas, 1869, 27. The two species have been significantly named, *Melita messalina* and *M. insatiabilis*—no doubt by a man under the usual impression that the craving for excessive sexuality abides naturally in the female. But, as other species "equal them even in their extraordinary salacity . . . and yet their females show no

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To this difference of gait one must attribute the enslavement of women, and all that it entails.

Woman complains of man's injustice and calls to him to render justice ; but it seems to be forgotten that the world is not governed or ordered by justice. Might is right. The species who win success in this world are those who can appropriate from others, and woman has shewn herself quite willing to join in the plunder : she protests when she herself is plundered. But the species of grass in a field are only successful if they can annex food from other grasses or plants, even to squeezing them out of existence. The herbivorous animal is on a higher plane than the grasses because it can

trace of the above-mentioned processes " (Müller, 29), it seems fairly obvious that the salacity is a character forced on the females, through continuous selection of the most responsive and so forth, by the males who had developed hand-like structures to hold them. The males who could hold best could rape, and had the best chance of leaving the largest progeny. The females who afforded the males the best hold would have the best chance of leaving the largest progeny. So the race would be reproduced from the females who best produced the process for holding, and the development of this character would be encouraged.

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annex in a more ready made condition the living tissues of the grass; and the carnivore is successful because he has developed the power of assimilating the more concentrated nutriment which the herbivore has manufactured after annexing the less concentrated product of the grass. If the carnivore acted in strict justice to the herbivore and did not consume him, he (the carnivore) would not exist. And so man is most successful of all. He has developed the capacity of annexing for his nutriment the ripe grain of the grass and the fruit of plants, the flesh of the herbivore, of fish, of mollusc. He appropriates the skin of the carnivore for his clothing, and the plumage of birds for his adornment. Woman is quite ready to profit by his annexations—to eat the flesh, or wear the skin with little scruple as to justice towards the original owners.¹ Then

¹ Two gipsies were selling baskets at a fair. One offered his for 1s. each, saying he could sell them so cheaply because he stole the stuff to make them; but the other took all the trade—he offered his for 6d. a piece, because, he said, he had stolen them ready made. These were the principles of Gen. Montague (p. 138, note 2.): he stole the silver ready made, and praised God for the kind permission. These are the principles of evolution, and, when likely to be successful in man's case, he calls them practical politics.

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the man meted out the same treatment to woman, taking from her what ministered to his gratification. It is all part of the same phenomenon. Equilibrium between the sexes could not be maintained; and if woman could have got the mastery man might have been in the position of the drone among bees—killed when he was useless.¹ But man got the mastery and reduced woman to be his slave. The success of the operation is evidenced by its universality, for had it been unsuccessful as a factor in human supremacy, it would not have persisted: those who practised it would have succumbed. But it was abundantly successful; and the whole history of the struggle for existence testifies to the fact that those who have prospered are those who have been able to be unjust towards their fellow beings. The only limit has been this: that it does not pay to be unjust when the fellow beings are strong enough to retaliate. Therefore the private

¹ Males may well fear a gynocracy. "The females [of spiders], . . . if they don't like the mate, . . . fall upon him and kill him, and eat him up. They are a great deal bigger and stronger than the males, and they are always hungry, and not particularly anxious to have one of the other sex bothering round."—Wendell Holmes, *The Poet at the Breakfast Table*, 1872, p. 260, ch. ix.

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individual had better not be unjust—not till there are sufficient of his fellows to support him. Homicide is murder when done privately; but if performed in company with one's fellows it is a meritorious martial exploit, deserving of honour and reward. This has been the phenomenon in man's treatment of the woman of his own tribe and the women of the other tribe; only that his success in combining to conquer and enslave the women of the other tribe reacted injuriously on all women.

CHAPTER X

CONCLUSION & SUMMARY

" Well, then, as between the female who marries for home and keep and the female who mates for board and lodging, there is a difference like that between the season-ticket holder and the occasional passenger on a railway.

" Much the same.

" If, then, the Legislature, influenced by some ancient doctrine, decreed that occasional journeys were illegal, any such passenger would be guilty of an illicit act.

" Guilty of a crime or a sin.

" They would have no right of redress, and would be despised by the season-ticket holders.

" Yes.

" They would ! Why, where the season people swarm now, you'd think they owned the blessed train."—*The Man in the Train.*

X

THIS essay draws to an end. It is imperfect enough ; for the subject is difficult and complex.

The following summary of the suggested development of mating and marriage in the human race may perhaps shew what has been attempted.

In the first period the human female rules. She dictates to the male in sexual affairs—this is free mating. Her time of sexual excitement is, similar to that of other social animals, limited to a few days once a year.

In the second period the male captures foreign females for his use, because his own are too chaste : these foreign females become his slave-wives. He courts and mates with females of his own tribe at yearly festivals like Australian corroborees.

In the third period the institution of marriage has become the dominant form of human pairing, so much so that mating unions become regularized as marriage or are condemned as illicit. Of females, wives are more honoured than free mates—in fact the latter become infamous except in a few cases of royal princesses. The male captures,

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purchases or courts the female to become his wife as policy or custom directs.

In the fourth period the female recognises and revolts against her inferior position ; restrictions on dissolution of marriage are relaxed, and by easy divorce, conditions nearly approaching those of free-mating are again evolved. In fact, free mates (*Aspasia*s or *hetæra*æ) may come to be more honoured and receive better treatment than wives.

In the fifth period, social disruption occurs, conquest by a lower type takes place. The male seizes the opportunity to reinstate the fetters of matrimony and to rivet the links more tightly on the female, so that something of the third period is entered on again.

Renewed fourth and fifth periods would then be developed again, and so the cycle may perhaps be constantly repeated, until of the human race there is written

FINIS.



